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PUNISHMENT
HUMAN AND DIVINE

PUNISHMENT HUMAN AND DIVINE

BY THE REV.

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FOREWORD

IN the single word "punishment" a wealth of meaning is contained. Immediately we begin to talk about it we find ourselves talking about such things as pain, penalty, law, character, education, past, present, future, reason, conscience, will, instinct, emotion, retribution, reformation, prevention, deterrence, and the like. An adequate theory of punishment must find a place for them all. An adequate theory, moreover, will be a Christian theory; for the Principle of the Incarnation alone can supply that world-plan and that dynamic which will help a man to be at peace with God, with his neighbour, and with himself.

In these pages an attempt is made to show that punishment is a combination of three mutually interdependent elements, the retributive, the reformative, and the deterrent. By way of illustration, the theories of Plato, Plotinus, St. Augustine, St. Thomas Aquinas, and Grotius have been collected, with the necessary theological background in each case. These systems, both in their coincidences and oppositions, will throw much light upon the problem.

My obligations are many: first, to Professor H. S. Macran, who awakened in me an interest in the eternities when I was yet an undergraduate; next to

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Professor A. H. McNeile, who suggested that I should make a study of this engrossing subject. Illuminating conversations which I was privileged to have with the Rt. Hon. and Most Rev. the Provost of Trinity College, Dublin, Professor Bethune-Baker, Dr. R. H. Murray, Dr. J. Oman, Professor Sorley, and Professor Whitney, afforded me much guidance. Professor R. C. Lodge kindly read my studies in Plato and Plotinus. I am only too well aware that this book is a poor tribute to the interest which these scholars have shown in my effort.

The Rev. E. G. Selwyn and the Dean of Manchester have been good enough to give me permission to embody material already published in *Theology* and *The Interpreter*.

W. C. DE PAULEY.

WINNIPEG.

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PUNISHMENT, HUMAN AND DIVINE

CHAPTER I

PLATO AND PUNISHMENT

PLATO's treatment of the problem of punishment is, like his view on any other problem, so intimately related to his system as a whole, that an attempt to deal with it within the limits of a chapter is, of necessity, condemned to one-sidedness and abstraction. Like the Idea Itself, which manifests its concrete universality in the multitude of particulars of this changing world, the rich unity of thought which holds together the many-coloured "Dialogues" cannot be dismembered without serious loss in perspective. Analysis can only be thorough when it is synchronous with synthesis.

Perhaps, nevertheless, the generalisation may be admitted that the dominant interest for Plato, as for his master Socrates, was the soul. Again and again, the "Dialogues" revert to questions as to its essence, and its place in the nature of things. Were we to understand completely all that Plato has said about the soul, we should have grasped his thought in its entirety. It may, therefore, be a convenient manner

of approach to the doctrine of punishment to note very briefly some of the fundamental features in his teaching about the soul.

In the first place, then, soul is the principle of motion; and although we behold not soul itself with the naked eye, we experience its effects both within our own very beings as instinctive and rational creatures, and also without in the courses of the planets and the changes of the seasons. All that is not possessed of self-motion lacks soul, or life. It is clear, therefore, that soul in the Platonic system, occupies a position midway between God, Who is Himself the First Cause, and Who alone exists in His own right, and bare matter, considered as a naked abstraction, lifeless and chaotic¹. For this reason, it is necessary to say something of God, the Supreme Faculty, from Whom soul derives existence, and Whose nature, in some limited sense, is transferred to all that is not itself soul.

But it is with the eye of faith rather than of reason that Plato seeks the approach to the portals of Him Who inhabiteth Eternity: and we would do well to remember his warning that this subject does not admit of the same degree of certainty as many others. Much of his teaching about God is revealed in myth: nor does the dream in any way lessen the value of his teaching; and the words which he puts into the mouth of Timaeus before his venture on the problem of creation, reveal the intensity of his faith. "All men, Socrates, who have any degree of right feeling, at the beginning of every enterprise, whether small or

¹ *Laws*, 895 ff.; *Timaeus*, 34 ff., 42; *Phaedrus*, 245.

great, always call upon God.”¹ Bearing this limitation in mind, we may not attempt a precise statement of the relation of God to the Idea of Good. There is a sense in which each is the supreme reality: God is not only the Source of life and the Creator of the world, but also the Governor of men and things; but, on the other hand, the Idea of Good is the Supreme Reality, without which our world of existence would have no being.² And yet Plato must be acquitted of having thrust a dualism right into the heart of the Absolute. It is impossible to conceive the Platonic God as acting or thinking apart from the supreme category of the Good, as, likewise, it is absurd to look upon the Good as a barren and intellectual abstraction.³ Thus, in the “Dialogues,” man, with his gift of reason, is invited to be an imitator of God, and also to steep himself in Justice, Wisdom, and the other aspects of the Good. The relation between God and the Good is thus a very intimate one. In the words of W. Archer Butler, “Plato has, indeed, with his usual metaphysical accuracy, seen that the Eternal Laws of Right are in some mysterious bond (altogether beyond our conception) entwined with the Divine nature; and he accordingly represents them as contained by him in his own Divine reason; but, nevertheless, he maintains their substantial distinctness from the personal activity or volition of God, and their relation to him not in the bond of cause and effect, but—to express eternal truths by sensible analogy—in that of model or exemplar. They are coexistent,

¹ *Tim.* 27. ² *Laws*, 709, 716; *Republic*, 509; *Tim.* 27, 29.

³ *Phaedr.* 247, 249; *Laws*, 713, 716; *Tim.* 29.

they may even be pronounced coincident; but they are not consequential, resultant, interior."¹

This intimate relation between God and the Good entitles religious faith to affirm that Goodness is absolute, and, in consequence, goodness is God's motive and end in the work of creation. "Let the cause of the creation of this Universe be declared, to wit, that the Maker thereof was Good; with the Good there is no gradation of might at any time; wherefore, being altogether without gradation, God wished all things to be made as like unto Himself as might be." "Envy standeth afar off from the Heavenly Chon," and God's purpose is that it should be, as far as possible, afar off from all things made in His Image.² The universe is, then, in a sense, self-sufficient; for soul, the principle of motion, has been infused within it, and controls the course of the seasons and what we call the processes of nature. By virtue of this world-soul we speak of the world as a great animal or visible god.³ In some way or other it is watched over by the gods of popular mythology, about whose origin Plato refuses to speculate, beyond

¹ *Lectures on the History of Ancient Philosophy* (1874), p. 390. Cf. C. C. J. Webb, *God and Personality*, p. 174: "It is probable that Plato did not identify God with the Form of the Good, but rather regarded him as a Good, sponsored by that Idea, which was the source of all the goodness, order and harmony which we find in the universe. . . . The God whom we worship must be the Highest, must be what Plato called the Idea of the Good, but this Good must not, as in the Platonic tradition (which Plotinus followed), be something in the innermost before which and beyond even the most exalted kind of Soul." See R. C. Lodge, "Moral Validity," in *Essays Presented to John Watson*, p. 110.

² *Laws*, 716, 903.

³ *Tim.* 32 ff., 92; *Laws*, 899.

saying that they are the works of God ; to them He delegates the creation of men and animals, without which the world would not be perfect. As God created the gods, so will they create mortal creatures ; but the element in them which is divine came from God Himself. " That part of them whereunto it belongeth to partake in the name *immortal*—that part, to wit, which is called divine and is leader in them of those parts which always do desire and follow after righteousness and after you—that part I, having sown to be a beginning, will deliver unto you." ¹

As in the Genesis myth of creation, so here also Plato links together God, the human soul, the universe, and goodness in a precious harmony ; but the great difference is that Jehovah is not limited by any principle over against Himself which He cannot control. Plato does not give to evil or necessity a substantial existence ; but, nevertheless, there is a something which limits God and Goodness.² Whereas in Genesis God is the fixed point upon which everything hinges, in Plato He is confronted by an unorganised something which He works up into an organised system. His creation thus is not so much a matter of origins as of the transformation of chaos into cosmos. And chaos for Plato is never good ; chaos is never quite pliable in His hands. " God wished all things to

¹ *Tim.* 41 ; cf. *Protagoras*, 322.

² " Evils, Theodorus, can never pass away ; for there must always remain something which is antagonistic to good. Having no place among the gods in heaven, of necessity they hover around the mortal nature, and this earthly sphere. Wherefore we ought to fly away from earth to heaven as quickly as we can ; and to fly away is to become like God, as far as this is possible ; and to become like him, is to become holy, just and wise " (*Theaetetus*, 176).

be made as like unto Himself as might be." ¹ "God, wishing that all things should be good so far as might be, and nothing evil, having resolved all that was Visible into His hands, and perceiving that it was not at rest but moved without measure and without order, took and brought it out of that disorder into order, thinking that this state was altogether better than that." ² Again, "Time was created together with the Heaven, so that, having been created together, together they might be dissolved if dissolution should ever befall them; and after the pattern of the Eternal Nature was it created, that it might be as like thereto as possible." ³ But, on the other side, the great merit of the Platonic as against the Hebrew doctrine, lies in the conception of the world as the "moving image of eternity", for it gave the key to a more adequate interpretation of the works of nature, and more particularly to its beauty. The Psalmist knew more about God whose glory the heavens declared, and more about the holiness whose inarticulate manifestation was beauty, and just for this reason, the starry heavens were a more vivid parable of reality to Plato.

God, being good, has declared that the immortal human soul, incarnate in a succession of bodies, should pass a period of sojourn in the sphere of this "moving image of eternity" so that it might learn to avoid the evil and choose the good. In terms of religion,

¹ *Tim.* 29.

² *Ib.* 30. "To make the material universe absolutely perfect was impossible, since evil, whatever it may be, is more or less inherent in the very nature of matter and can never be totally abolished" (R. D. Archer-Hind, *in loc.*).

³ *Tim.* 38.

man must learn to become like God and to enjoy His friendship. In terms of ethics, he must learn to lead the balanced life of justice by obedience to the moral law of reason. In terms of philosophy, he must learn to see all things *sub specie aeternitatis*; and, as far as possible, attain to the vision of truth which illumines the mysterious problems of existence. He must be "educated"; education being religious, moral and metaphysical. Each human soul is confronted with a great big question-mark whose coils it must unravel. "Wonder is the feeling of the philosopher, and philosophy begins in wonder."¹ Moreover, in a pre-natal state the soul has been privileged to gaze upon the Plain of Truth, where all these things for which it longs were displayed; and therefore experience on this mundane plain may be the occasion of stimuli by which man, here below, may be driven within himself to recollect the Eternal Verities.

This very brief review of Plato's teaching about the human soul and its place in the cosmos will help us to understand clearly why he can at once champion the educative and the retributive theories of punishment. From one point of view, punishment is simply one of the reformatory remedies whereby the soul is made aware of its proper end, and its present unsatisfactory condition; from another point of view, punishment may be said to be retributive, in that it asserts the Idea of Good in the very face of the soul that disregards it. But before we attempt to deal with punishment itself, a further point must be made with reference to the ideal intimacy which Plato

¹ *Theaet.* 210.

considered might exist between the soul and God. God is good, and He smiles kindly upon the soul as it struggles to understand and fulfil its destiny. While we may not see in Platonism a full grown doctrine of "grace," such as we find in the New Testament, there are many indications in the "Dialogues" of Divine help being vouchsafed to man. God actually helps man to become like Him.

It has been remarked already that man's divine element came from God through the mediation of the created gods. At this stage we may add that Plato believed that each man is, for that reason, in possession of a daemon which, as well as guiding him through the difficulties of his lot, enables him also to attain to the image of Him who gave him being. "And we should consider that God gave the sovereign part of the human soul to be the divinity of each one being that part which, as we say, dwells at the top of the body, and inasmuch as we are a plant not of an earthly but of a heavenly growth, raises us from earth to our kindred who are in heaven."¹ There is, moreover, in this light a sense in which virtue is neither taught nor acquired, but may be said to be the gift of God. The discussion in the "Meno" concludes in this way: "The result seems to be, if we are at all right in our view, that virtue is neither natural nor acquired, but an instinct given by God to the virtuous."² Again the discussion in the "Euthyphro" seems to suggest that the service which men ought to pay to the gods consists ideally in returning to them the gifts which they have themselves bestowed upon

¹ *Tim.* 90.

² *Meno*, 99.

men.¹ Certainly this wonderful reciprocity in the exchange of goodness between God and His creatures is taught in the "Symposium," where we read: "And greatly the gods honour the virtue of love, still more admired and valued and rewarded by them, for the lover is more divine; because he is inspired by God." ² Socrates himself, the supreme example of a life lived in obedience to God, does not scruple to regard himself as a gift from God to men, who, by his stinging dialectic, presented to them the more excellent way. He was not disobedient to his own heavenly vision, and consecrated himself to the service of the same God from whom he had derived his gift of prophecy. In the confidence that he followed where God led, he could drink the hemlock and pass into the beyond.³ The seeker after virtue does not, therefore, hew at his statue unaided by God, Whose own very nature becomes explicit in man's character.⁴

The human soul, then, is given its purpose in life by its Creator, Who watches over its doings and

¹ *Euthyphro*, 12 ff.

² *Symposium*, 180. This idea is beautifully expressed by W. Archer Butler, *op. cit.*, p. 298: "And in its most general aspect, that He who has given us faculties for reflection and conjecture should now and then condescend to accept our poor products as materials for His own purposes of enlightenment, is only another instance of the same condescension which, to the exultation of His own glory, and of ours in His, accepts our temples, our praises, and our prayers." Cf. *Laws*, 897.

³ *Phaedo*, 62, 85; *Apology*, 30 ff.; *Crito*, 54.

⁴ See J. Adam on *Rep.* 501: "The sure and abiding conviction of the presence of a divine element within us, rendering our nature essentially and truly human, makes itself felt in nearly all the dialogues of Plato. It is the ultimate source of all his idealism, religious and metaphysical, no less than moral and political, and may well be considered the most precious and enduring inheritance which he has bequeathed to posterity."

bestow upon it Divine help. But these are not the sole factors to be reckoned with in human life, for the evil that in some mysterious way remains in the universe insinuates itself into the soul of man. The Divine goal and the Divine help are to some way limited by human weakness. There is a downward drag which hinders the flight of the soul to God. In the "Phaedrus" myth this element is represented by a dark and stunted horse which cannot be perfectly subdued by the charioteer, with the consequence that even the good and white horse is upset by the unruly prancing of its partner. The basely appetites, in other words, are too strong for reason to control; and the spirited element of the soul takes sides with them. So if on the one hand there is a parallel to the Christian doctrine of grace, on the other hand there is a parallel to original sin. If the philosopher has reached the summit of the sciences in the fourth division of the line of knowledge in the "Republic," the "natural" man is represented by its first division, which signifies ignorance. He is a bundle of loosely connected and scarcely connected sentiments, and, unstable as water, he cannot excel at anything. His course is from flower to flower, and from branch to branch.¹ Or, if we prefer to look not at the full grown man but at the

¹ R. C. Lodge, "Soul, Body, Wealth, in Plato," *Philosophical Review*, January 1924, p. 30: "The body-soul organism exhibits its powers in varying stages of development. At the lowest level it is, in modern terminology, polymorphous perverse. That is to say, it consists of a loosely federated set of instinctive tendencies, each with a soul-side as well as a mechanical side, and each endeavoring to realize its own personality and satisfy its own needs - to these tendencies of thought there is any sort of conscious interest in the life of the organism at such a level is unstable and

child, we behold the same disintegration and conflict. In his case, the faintest shadows of virtue and vice are caught in his pleasure-pain experiences; as yet there is no knowledge, and therefore no moral good.¹ If education enables the child by slow degrees to interpret the meaning of these affects, he may be disciplined into an intellectual apprehension of the Good; but until this process is concluded the soul in question will not be attuned to the cosmic and soul order of the Good. "For all good and evil, whether in the body or in human nature, originates, as he declared, in the soul and overflows from thence, as if from the head into the eyes. And therefore, if the head and body are to be well, you must begin by curing the soul; that is the first thing."² Until order is taken within the soul, the soul is unhealthy and diseased, and its instrument, the body, in turn cannot fulfil its function. Health, law, and virtue bear the same relation *inter se*, as do disease, disorder,

inconsistent, full of unresolved problems and conflicts, a prey to any strong impulse, and devoid of inner unity and individuality. Affectively unpleasant on the whole, cognitively a confused jumble of fluctuating sensations and inconsistent opinions, on the side of action such an organism exhibits the fierce wavering and futile self-negating which inevitably results from contradictory action-tendencies."

¹ *Rep.* 574; *Laws*, 653. Cf. Locke, *Essay*, II. vii. 6, on pleasure and pain: ". . . the consideration of the reason why they are annexed to so many other ideas, serving to give us due sentiments of the wisdom and goodness of the Sovereign Disposer of all things, may not be unsuitable to the main end of these inquiries: the knowledge and veneration of Him being the chief end of all our thoughts, and the proper business of all our understandings."

² *Charmides*, 156; *Tim.* 71. Cf. Archer-Hind, *in loc.*: "The differentiation of souls into individuals involves materialisation and hence imperfection." See *Prot.* 322; *Statesman*, 269, 273, 274; *Laws*, 875, 896; *Tim.* 90.

and vice.¹ Wisdom is the only good, ignorance is the only evil.² But in spite of this radical evil Platonism is not pessimistic of the soul's future: for, indeed, if it must fall, its real destiny is to rise again. Certain it is that, if by reason of its connection with the body it cannot apprehend truth fully here and now, in the life to come human faculties will have no medium through which to perish.³ The soul which labours to abstract from things of sense the reality which shines through them will have an opportunity to re-assemble in the heavenly sphere all that it ever knew.⁴ Further, even here below, those who are rightly educated generally become good men."⁵

Cardinal Newman, in a sermon entitled "The Religious Use of Excited Feelings," explained that while reason and conscience are the faculties in human nature to which the religious appeal ought to be directed, the feelings have a special work in building up the character, because the penitent man, stirred within, finds it easier to undertake tasks for which his past manner of life has not fitted him. "Here then is the use of those earnest, ardent feelings of which I just spoke, and which attend on the first exercise of conscience and reason—to take away from the *beginnings* of obedience its grievousness, to give us an impulse which may carry us over the first obstacles and send us on our way rejoicing." This thought is strangely paralleled in the "Phaedrus" myth by the imagery of the wings of the soul which, as by divine power,

¹ *Gorgias*, 480, 504.

² *Phaedo*, 66; *Theaet.* 177.

³ *Meno*, 81; *Laws*, 633.

² *Euthydemus*, 282.

⁴ *Phaedo*, 75 f.

raise it up to behold the Vision of the Central Plain where abideth beauty, wisdom, and the like. "The nature of wings consisteth in the power of lifting that which is heavy up into the height where the generation of the gods dwelleth; and unto wings, amongst the bodily parts, belongeth the largest portion of that which is of God. Now that which is of God hath beauty, and wisdom, and goodness, and all perfection; by these, therefore, the growth of the wings of the Soul is chiefly nourished and increased; whereas by the things which are contrary to these, to wit, by all things hateful and evil, are her wings caused to pine away, and utterly destroyed." ¹ Apparently the idea is that, as reason contemplates the Divine truths and feeds on them, a feeling akin to Kant's *respect* is born, in whose motive power the whole soul is wafted heavenward. Thus, when reason is given its due place in the conduct of life, a Divine power stirs within the soul, at once a reward for virtuous living and a joyful incentive to good works. This, then, is the inward power which offsets the merely sense pleasures and provides an antitoxin for original sin.²

The sense appetites, which may work a man's

¹ *Phaedrus*, 246; *Laws*, 699.

² J. I. Beare, *Hermathena*, xxxix., p. 326: "The difference between the 'higher' feeling, which is called πτέρωμα, and that lower feeling (ἡδονή, animal pleasure) which causes the loss of πτέρωμα, is that the former is conditioned by the reminiscence and presentation of transcendent 'ideas,' . . . while the latter is conditioned, not by such 'ideas,' but by particular sensuous perceptions." Cf. Clement, *Strom.* vii. 7. 40: ". . . and while we thus endeavour to detach the body from the earth by lifting it upwards along with the uttered words, we spurn the fetters of the flesh and constrain in the soul, winged with desire of better things (τὴν ψυχὴν ἐπτερωμένην τῷ πόθῳ τῶν κρείττονων) to ascend into the holy

run if he does not master them, and interpret in the light of reason the pleasure and pain affects annexed to them; on the other hand may be the ladders of ascent to heaven. Sight if intensified by the clear light of reason, will convey to him the orderly movements of the stars in their courses; so, too, speech and hearing may be the *media* of that harmony which is akin to all being possessed of God's gift of soul.¹ So also the pleasures of sex may, if indulged in promiscuously and to excess, work moral havoc;² and yet sex interest — should be the awakener of idealism, a stimulus to greater effort in serving the community, and an almost religious expression of the ideal of community living.³ Here we come upon what may be called psychological punishment. Failure to transcend the merely sense pleasures attendant upon sense stimuli is accompanied by soul disorder; the character, as it were, is dragged whither the impulses of the horses will. If a man's interests are in things earthly, he himself is of the earth, earthly.⁴ His sense of judgment is clouded until he becomes intellectually intoxicated;⁵ he becomes a sophist and a quibbler, even to the extent of asking, "Who shall show us any good?"⁶ In his folly he even blasphemes, place. (cf. *Tim.* 71; *Rep.* 519, 492. Kant, *Metaphysic of Morals*, ed. by T. K. Abbott, p. 17: "But although respect is a feeling, it is not a feeling *received* through influence, but is *self-wrought* by a rational concept, and, therefore, is specifically distinct from all feelings of the former kind, which may be referred either to inclination or fear."

¹ *Tim.* 47.² *Rep.* 574.³ R. C. Lodge, "Soul, Body, Wealth, in Plato," *Philosophical Review*, September 1923; *Symp.* 178, 206, 210 ff.; *Rep.* 458, 459, 464.⁴ *Tim.* 90.⁵ *Phaedo*, 75.⁶ *Ib.* 90.

crying that the world is a medley of chances, devoid of any principle of unity.¹ If he does not indeed deny the two fundamental ideas in religion—namely, the existence of God and the immortality of his own soul—he will, at least, believe that God is unjust, and attempt to appease Him by means of gifts which are not the expression of the goodness of the giver.² If he does believe in God at all, he may attribute to Him not good but evil.³ Out of touch with God, he must needs be out of touch with men, for the very disorder in his own soul prevents him from enjoying intercourse with his fellow-men. His presence in society works for its disintegration.⁴ It cannot be otherwise, for he is out of touch with himself. “And do we not see that opinion is opposed to desire, pleasure to anger, reason to pain, and that all these elements are opposed to one another in the souls of bad men?”⁵ Perhaps the worst ill that befalls him is the wisdom of folly, for he does not realise the awful condition of his soul,⁶ and would deny that punishment in his case could possibly be a good.⁷

We are justified, then, in speaking of this punishment of internal disorder which the unjust soul brings upon itself as retribution for two reasons. In the first place, this soul disease is the inevitable condition of the wrong-doer who does not choose to live within the moral government of God, which is exercised over soul life in all its forms. He suffers the consequences of having removed himself from the order and help

¹ *Philebus*, 28.

² *Laws*, 906, 996.

³ *Rep.* 380.

⁴ *Lysis*, 214; *Gorg.* 507.

⁵ *Sophist*, 228.

⁶ *Ib.* 228.

⁷ *Rep.* 359, 561.

which would ensure his divine destiny.¹ God co-operates with those who will co-operate with Him; and if man will not co-operate he must endure the penalty of lying upon his own bed.² Accordingly Plato styles this penalty self-inflicted evil.³ Again, the penalty is proportionate to the character. If the soul chooses evil, automatically it is evil. Where the treasure is, there is the heart also. "There are two patterns eternally set before them: the one blessed and divine, the other godless and wretched: but they do not see them, or perceive that in their utter folly and infatuation they are growing like the one and unlike the other, by reason of their evil deeds; and the penalty is, that they lead a life answering to the pattern which they are growing like. And if we tell them, that unless they desert from their cunning, the place of innocence will not receive them after death; and that here on earth, they will live ever in the likeness of their own evil selves, and with evil friends: when they hear this they in their superior cunning will seem to be listening to the talk of idiots."⁴ "But the formation of qualities is left to the wills of individuals. For every one of us is pretty much what he is by the force of his desires and the nature of his soul."⁵

¹ A. S. Pringle-Pattison, *The Idea of Immortality*, p. 54: "The disinterestedness and the self-sufficiency of virtue is the central text of Plato's ethics, to which he returns in dialogue after dialogue. Virtue is 'the health of the soul,' 'the right constitution' or ordered harmony of our nature. . . . The reward which the good man looks for is nothing extrinsic, to be conferred upon him, but only, in Plato's phrase, to become like God as far as man may. And as goodness is its own reward, so the evil life carries its own penalty with it."

² *Rep.* 378. ³ *Tim.* 42. ⁴ *Theaet.* 177. ⁵ *Laws*, 904.

In a purely utilitarian system of ethics, logic requires that punishment should be merely reformative and deterrent; if law is only the chance development of human minds, there can be no categorical imperative, and, therefore, no absolute right to punish. But if, as in Plato, the Good is absolute, and God the Guardian of human beings, He has no alternative but to assert the Good, when His possessions transgress His absolute law. No doubt, God looks to the future. In Him there is no evil, and He wills that all men should come to a knowledge of the Good; but it is in past wrongdoing that the occasion for punishment arises. In Divine punishment, then, God looks to the future:¹ the chastisements suffered by departed souls before they appear clothed in new bodies are for their good.² But God is such that He must punish: "For surely neither God nor man will ever venture to say that the doer of injustice is not to be punished?"³ an offence against a suppliant will be avenged by God, Who watches over the making of agreements between man and man.⁴ All His acts are just, and justice declares that offenders must be punished: "God, as old tradition declares, holding in His hand the beginning, middle, and end of all that is, travels according to His nature in a straight line towards the accomplishment of His end. Justice always accompanies Him, and is the punisher of those who fall short of divine law."⁵ By reason of this justice, God attends to the smallest matters of human concern, so that

¹ *Gorg.* 525; *Phaedr.* 248; *Crit.* 121; *Rep.* 380.

² *Gorg.* 527; *Phaedo*, 114.

³ *Euthyp.* 8.

⁴ *Laws*, 729.

⁵ *Ib.* 716; cf. *Rep.* 380.

He co-operates with even the chance events of this world in order to bring about His purpose;¹ while in the world to come under His dispensation also, men are obliged to pay the penalty of their former manner of life.² So ruthless is the law of retribution, running through human destiny, that the soul about to embark upon a fresh life selects a career in the light of its past experience lost below: "for the choice of souls was in most cases based on their experience of a previous life."³ Divine punishment, we see, is reformatory, because it looks to the soul's future good, and not to its past evil; it is also retributive, because its penalties come automatically as the result of past evil.⁴ So far we assume that the soul in question has the makings of a good soul latent in its being; but if this be not the case, the incurable soul is made an example of by being hung up in the prison-house of the under-world as a warning to others.⁵ But here again a retributive element lies in the background, for this extreme case arises at the behest of the Good, which determines that no possible education can ever win an incurable soul. Were there no Good, there could be no incurable soul.⁶

Our next task is to review Plato's teaching about

¹ *Laws*, 709, 903.

² *Rep.* 615; *Phaedo*, 81.

³ *Rep.* 620; cf. *Phaedo*, 81 f.; *Laws*, 870.

⁴ *Rep.* 610; *Laws*, 854.

⁵ *Gorg.* 525 f.; *Rep.* 615; *Laws*, 728.

⁶ Commenting on *Gorgias*, 505, 525, W. H. Thompson writes, "Punishment is treated by Plato as either exemplary or corrective, never simply as retributive, a view which he distinctly deprecates," and refers to *Laws*, 934. But in this passage Plato appears to repudiate retribution in the sense of revenge: "Not that he is punished because he did wrong, but that which is done can never be undone; but it endures that in future times, he, and those who see

the principles of punishment inflicted on man by man ; and in doing this we do not pass abruptly from the field of theology over into the field of practical life. The immortal human soul is always within the realm of God's government. In all its successive stages and environments, one and the same law—Justice in itself—rules its movements. When we contemplate the movements of stars or of human beings, whether singly or in groups, we are in touch with the same divine harmony manifesting its grace in them all. Up to this point we have been thinking of that harmony as it functions within the individual soul ; now we are to consider it as it functions in the State ; and, as its absence in individuals involves the presence of its opposite, disharmony, the register of the soul's past and the index of its possible future, so again we shall see the offices of human law fulfilling a similar function. And the community being only the individual writ large, we shall expect to see the same punitive element in Plato's theory of punishment in the State. In that life where reason does not rule, the appetites will rule after their manner ; similarly, in that State where law is not observed and obeyed, the mobs will have their way.¹

him corrected, may utterly hate injustice, or at any rate abate much of their evil-doing." The sentence immediately following, however, would appear to justify the element of retribution in the sense explained above : " Having an eye to all these things, the law, like a good archer, should aim at the right measure of punishment, and in all cases at the *deserved* punishment." I agree with Mr. Thompson, p. 244 : " Plato recognises no other *uses* of punishment than the corrective and exemplary." A theory is quite a different consideration.

¹ Hegel, *Philosophy of Mind* (Eng. tr., Wallace) : " The perception had dawned upon Plato with great clearness of the gulf

Human Law is one of those vehicles which ought to convey the principles of unity into its servants. By its gentle rule men will catch a glimpse of the Idea of Good set eternally in the heavens, and in its inspiration will receive that education which ensures the fruition of destiny. As the doctor regulates the body, so the law-giver regulates the soul.¹ He will not attempt to prescribe rules for every little case that may arise in the chances of this mortal life; instead he will sweep the horizon of reality and discern those broad and general lines of conduct which will make men virtuous.² Goodness, Plato believes, is caught not taught, hence the law-giver ought to be a pattern of justice in himself.³ Thus he will keep in mind two principles relative to good and bad men respectively: for, first, Law helps men to live on friendly terms, and secondly, it subdues the spirits of bad men who do not take kindly to its gentle way.⁴ In the ideal state there is not a sharp distinction drawn between the ethical and the merely legal good, for all law being Divine, all human action has a religious and ethical meaning. To-day in our modern communities, law does not take account of human motives; it looks to the act rather than to the actor

which in his day had commenced to divide the established religion and the political constitution, on the one hand, from those deeper requirements which, on the other hand, were made upon religion and politics by liberty which had meant to recognise its inner life. Plato gets hold of the thought that a genuine constitution and a sound political life have their deeper foundation on the Idea,—on the eternality and immortality and perfect principle of eternal righteousness."

¹ *Rep.* 389.

² *Statesman*, 295; *Laws*, 963.

³ *Meno*, 99; *Laws*, 644, 921.

⁴ *Ib.* 880.

Such an external attitude on the part of the state would have been unintelligible to Plato. The law-giver recognises that reverence for God as well as justice is a principle of state-craft.¹ In the "Crito" Socrates gives expression to the continuity between Divine and human law in reply to his friends when they attempt to persuade him to make good his escape from the penalty of his judges. "But if you go forth," he makes the laws say, "returning evil for evil, and injury for injury, breaking the covenants and agreements which you have made with us, and wronging those whom you ought least of all to wrong, that is to say, yourself, your friends, your country, and us, and we will be angry with you while you live, and *our brethren, the laws in the world below*, will receive you as an enemy; for they will know that you did your best to destroy us."²

The State, then, assumes the rôle of educating men for this life and for the next by inculcating within its members a love for things good and a hatred for things bad. In fact, it is an unlimited company for the propagation of the Good; all its members *inter se* develop their talents, and exchange goods both moral and material. In this compact of good works inspired by love for good character, citizens will fulfil their obligations freely; but if not, the law must punish with a view to the realisation of the Good. A disobedient citizen is really an unthankful individualist who repudiates the parents who have worked for his advantage; he refuses to make a dutiful return for their sacrifices on his behalf.³ Accordingly,

¹ *Protag.* 322; *Laws*, 713.

² *Crito*, 54; cf. *Gorg.* 507.

³ *Crito*, 51.

severe means will be undertaken to win him into acknowledging that reverence and justice are more worthy of him than impiety and injustice.¹ Like a good doctor, the judge, visiting the mind of God, will hurt to heal and not to retaliate. His decision is teleologically grounded. He is no votary of fatalism. His measures, however painful, will have in view the wrong-doer's reformation.²

In Divine punishments, whether inflicted here or hereafter, we have seen Plato's belief in the benevolent government of God; and that God's nature, being the complete living expression of the Good, has no choice but to punish the disobedient. His punishments are both automatic and proportionate. Ideally speaking, there is the same retaliative element in human penalties. For, in the first place, it is the loss of the Good, the potential qualities of character which men have in their ignorance failed to develop, that compels the state to punish them. Men are not punished for having disobeyed the law. "You would say that to suffer punishment is another name for being *fully* corrected when you do wrong?"³ The self-same justice which attends the Dæty is partner with the State and compels it to correct the ignorant. We do not punish men as beings ruled by chance—that would be cruelty—we punish men because capable of the justice in whose name we act;⁴ "for the bad man ought always to be punished."⁵ Indeed, if he be not punished he is treated unjustly, for the law, his guardian, would then pass him by on the other

¹ *Protag.* 323.² *Laws*, 525, 718, 890, 934; *Statesman*, 309.³ *Gorg.* 476.⁴ *Protag.* 323.⁵ *Laws*, 944.

side, leaving him in his misery.¹ The law is under a moral obligation to educate men into virtue, and if it fails to exert its influence it becomes unjust, thus displaying greater evil than the evil in the soul of the wrong-doer.² When a man errs, the State automatically sets in motion the moral discipline entrusted to it for his good. Secondly, the State is not arbitrary in calculating its penalties; it is under an obligation to make the punishment fit the crime. "And do not those who *rightly* punish others, punish them in accordance with a certain rule of justice?"³ ". . . the law, like a good archer, should aim at the right measure of punishment, and in all cases at the deserved punishment."⁴

Even if punishment will not avail to reform the criminal, it may not be forgone, for at least it will serve to deter other possible law-breakers. In a sense all human punishment is preventive, but when inflicted on the incurable, this is its only use.⁵ The legislator knows that the death penalty cannot be a good to an incurable man: his only duty, in this event, is to the State, which he observes by ridding it of a plague spot and affording warning to all.⁶ Here again we are aware of a death penalty in the sense explained above. The death penalty is both just and of desert. It is proportionate to the degree of the victim's potential goodness, which, in this case, equals zero.⁷

¹ *Gorg.* 478; *Laws*, 921.

² *Gorg.* 479.

³ *Ib.* 478.

⁴ *Rep.* 470; *Laws*, 855, 860, 876, 934.

⁵ *Gorg.* 525; *Laws*, 854, 861, 934.

⁶ *Ib.* 861.

⁷ *Laws*, 872, 881. See B. Bosanquet, *Philosophical Theory of the State*, p. 206: "If the therapeutic treatment includes a recognition

Plato's theory of punishment, Divine and human, when he has in view penalties inflicted on corrigible souls, is implicitly the theory of Hegel. There are three elements—retributive, reformatory and deterrent. The first element indicates that a moral order, absolute and self-grounded, has been set at naught; the other two elements indicate the end in view in the assertion of that moral order. It strives not merely to negate the evil will, but beyond that to lead that will to exchange evil for good. It would make the wrong-doer ashamed of himself and embrace the principle of order, the natural condition of all that is soul.¹ But as compared with the Hegelian theory, these elements are not inseparable; for in the infliction of penalty on incorrigible souls, the reformatory element drops out. Hence the punishment of moral incurables is not directed in every sense towards them, but to the community in which they live. It does justice to their fellows rather than to them. Plato does not explain by means of what tests human beings are to determine who are incurable and who are not; indeed it is impossible for any mortalist to pronounce this absolute judgment, human motives being concealed as they are in all their complexity from his evidence. Plato's judgment of the value of the individual soul in itself

and chastisement of the uncorrected evil will—the form of which chastisement may, of course, be variously modified—then there is nothing left to distinguish the reformatory theory from other theories of punishment. . . . Plato's reformatory theory seems to involve this."

¹ *Theact.* 177; *Rep.* 560. Montesquieu, *The Spirit of Laws* (Eng. tr., T. Nugent), p. 21. "Let us follow nature, who has given death to man for his sinners; and let the heaviest part of the punishment be the infamy attending it."

is inadequate. He would, doubtless, reply that persistent refusal on the part of an individual to recognise the rights of society involves the right of society to abolish his. Christian ethics will not permit the State to shelve the wrong-doer so easily. For in its belief in Divine grace, liberated for individual men of all sorts and conditions by the Incarnation and Ascension, it refuses to pronounce any man outside the realm of its power. Plato, the first to develop the teleological aspect of punishment, would have been after his time and outside the stream of Greek thought if he had given the reformatory element universal application.

CHAPTER II

PLOTINUS AND PUNISHMENT

PLOTINUS, no less than his master Plato, is confident that philosophy is a way of life: and, while the "Enneads" devote a greater amount of space to discussion of metaphysical questions, the writer has no doubt that man's calling is practical. He believes, however, that a grasp of the meaning of the whole is essential before a man can find his place in it. Action is contemplation, if it is really worthy of being called action at all.¹ Right conduct, as such, is too external an end to draw forth the whole of a man's potential self; it must give way to right living: for a man lives a rich interior life before his acts can properly be said to be his. They are not his until they have ceased to be mere instinctive reactions: they are his when they proceed from his self, that complex organisation of emotional systems that gives direction to the whole of soul content. In Plotinus "knowing" and "willing" are correlatives, just as they are in the Fourth Gospel. Clement of Alexandria finds that both are marks of the Christian gnostic, and shows that the two causes of human failure are weakness in learning and in controlling desire: and with Plotinus he agrees that there

¹ *Enneads*, 5. 3. 7.

is a greater good than intellectual knowledge. "Corresponding to these are also two kinds of discipline provided, suitable for either case of failings; for the one, knowledge and the plain proof derived from the witness of the Scriptures; for the other, training according to reason controlled by faith and fear: *and both of these grow up into perfect love*. For the end of the gnostic on earth is in my opinion twofold, in some cases scientific contemplation (ἡ θεωρία ἡ ἐπιστημονική), in others action (ἡ πράξις)." ¹ It is the well within springing up into eternal life that makes the man. As Gregory Thaumaturgus assures us, "We do nothing without having first marked it out for ourselves; and as that is nothing else than just the high prerogative of the soul—for the knowledge of things does not come to it from without, but it rather sets out these things, as it were, with the adornment of its own thoughts, and thus first pictures forth the object in itself, and only thereafter carries it out to actual fact. . . ." ²

What, then, is man's place in the whole? Where does his place come in the graded terraces of reality? And, first, what is the nature of the Absolute itself? We cannot tell. Plotinus says: "If we here speak and write, it is but as guides to those that long to see: we send them to the Place Itself, bidding them from words to the Vision: the teaching is of the path and the plan, seeing is the work of each Soul for itself." ³ Though the Absolute be First Cause, we cannot predicate this of it: for that would be to think it, and

¹ *Strom.* vii. 16, 102.

² *Of the Soul*, vii.

³ 6. 9. 4.

it transcends thought. Thought implies always the subject-object relation, and the Absolute cannot enter into any relations whatsoever. *Determinatio est negatio*. The Absolute cannot be added to, nor subtracted from: it cannot be enriched, it cannot be determined. We may not even ascribe existence to it, for that would be to place it on the same level as ourselves. It is the ground of itself and of all else, without being limited by its dependencies. "The Good is the principle on which all depends, to which all aspires, and from which all proceeds, and which all need. In itself it is in need of nothing, sufficient for itself, wanting nothing, the measure and term of all things, giving out of itself Spirit and Reality."¹ If to this the logician replies that if *A* limits *b*, then *b* must limit *A*, Plotinus holds that the logician's method itself must be transcended if we are to experience any shred of what the Absolute is. Thought can never escape its own relativity: we must apprehend the Absolute as a presence rather than as a thing.² The mystic must toil to attain that peace of mind which will carry him behind the Hegelian Absolute to a One which holds itself aloof from the content to which it imparts life and being. "This first principle, having nothing above it, cannot be in another; but it contains all the others, embracing them without dividing itself among them, and possessing them without being possessed by them."³ Just as in orthodox Christianity, the Divine nature is the ground of the human nature, and is yet uninfluenced and undetermined by it, so the Plotinic One transcends the lower grades in which it is immanent.

¹ 1. 8, 2.² 6. 9, 4.³ 5. 5, 9.

The Absolute, which Plotinus styles the One, the First, and the Good, is that unity which lies behind all the multiplicity of both thought and thing. It is the *causa essendi* of what idealists call the world of ideas and the world of sense. Multiplicity, whether of thoughts or things, or of thoughts and things together, according to Plotinus, presupposes a unity which is not merely their sum but their cause. Hegel teaches that God must create a world if He is to realise Himself, and for him the world is as necessary to God as God is to the world. In Plotinus, the One distributes itself, and yet gains nothing from even the clearest of its offprints. "That which is absolutely self-sufficing does not need even itself."¹ "... the Hegelians, if I understand them, would say that without a world the Godhead would have been hidden *from* itself. This Plotinus would not admit. In Biblical language God made the world 'to make His glory to be known.' But such an expression has no meaning as applied to the inner life of the One. The activity of the Absolute is purely one-sided; there is no reaction upon it."² The One is a sun that needs not its own light: it simply is the sun, and hence it imparts light. He uses several metaphors to convey his meaning, and they must be discarded once we have caught it. All things emanate from the Absolute, and yet the Absolute suffers no impoverishment: it is like a perpetual well which never can go dry: it is like a sun which gives forth light and heat without suffering loss while it irradiates.³ Lastly, the Absolute

¹ 5. 3, 13.² W. R. Inge, *The Philosophy of Plotinus*, ii. 121.³ 5. 2, 1; 5. 1, 6.

is the Good, not as contrasted with the bad, but, as Dean Inge says, in the sense of the Perfect. "The Good is the fulfilment of the natural desire for self-completion and self-transcendence, which every finite centre of consciousness feels."¹ This present world of experience, in which our lot is cast, is one of striving after goods of varying degrees: some noble souls actually strive to attain the Good in itself. Experience, then, implies that there is a Good, a Being who lacks nothing, and who is the source of good wherever it is found. The meaning is not essentially different from Plato's teaching in the "Timæus," where we are told that God created because He is good and jealous of none.

From this All as the unit there proceeds, though not of course in temporal or spatial succession, the all of diversity and multiplicity. In one sense, this is the diversity of "ideas," which carries with it the unity whence it originates, much as the various sciences dovetail into one another and presuppose one another, and it can be spoken of as the content of the Mind of God. This is the spiritual or intelligible world corresponding to Plato's "ideal" world. Nor is it a world of dead classifications or types; it is the real world of spirit or intelligence. Spirit contemplates the spiritual world. We are to understand that "Yonder" there is spirit, the God of Plotinus, contemplating His "other" or object, which is the actuality of all that to us here in this space and time world is merely potential. "Spirit is not only in potentiality. It does not become knowing after being ignorant; it is always active and always Spirit. . . .

¹ W. R. Inge, *op. cit.*, ii. 127.

We must not separate the knowing Spirit from the objects of its knowledge ; it is only our habit in dealing with the things of sense that makes us prone to make separations in the world of Spirit. . . . Thus Spirit and the real world are one. Spirit contains all things in itself, not locally, but as it possesses itself." ¹ Further, this real world is not only a plurality of ideas, but also a plurality of spirits, who have communion with Spirit, and whose images and shadows they are. They inhabit a sphere beyond discursive thought, and each knows what he knows, as it were, face to face. Yonder is a state of intuition. " For them (beatified souls) all things are transparent, and there is nothing dark and impenetrable, but every one is manifest to every one internally, and all things are manifest ; for light is manifest to light. For every one has all things in himself and sees all things in another ; so that all things are everywhere and all is all and each is all, and the glory is infinite." ² For our particular purpose, the point to be noted at this stage is that although while in the flesh our experiences are normally instinctive, leading at best to discursive reasoning, which lumbers on slowly from premisses to conclusion, we are here and now in contact with the real and eternal sphere. Plotinus would have us believe that while we are obliged, in a sense, to lead the life of what may be termed the " lower " self, the " higher " self is really actual, even if we seldom or never experience it. However firmly one foot may be set on the world " here," the other foot, to a certain degree, is able to plant itself " Yonder." Our real self, as it were, is actual in

¹ 5. 9, 5-8.

² 5. 8, 4.

reality, and, at the same time, potential, as long as we enclose a body of flesh and blood. "And if the Soul, though it must sometime reason towards the Just and the Good, may sometimes know them immediately, there must be within us the Intellectual Principle which never seeks but eternally knows the Right."¹ We can rise above the things of sense, and embrace their principles, and, in the very act of contemplating these, arrive at self-realisation. Our spirit meets with the Spirit and bears testimony to our citizenship.

Next, in order of emanation or dependence, is the Third Member of the Divine Triad, the World Soul, or Soul of the All, which manifests the essence of Spirit.² It also is a spaceless and timeless realm, but its special function is the creation of the space and time world, which it forms after the plan revealed to it as it contemplates Spirit. It is an energy which passes on the life derived from the One through Spirit to the works of its hands over which it rules.³ Thus "making the Good the centre, the Intellectual Principle will be a motionless circle and the Soul a circle in motion, moved by its aspiration inwards; for the Intellectual Principle contains the Good immediately, and the Soul must strive towards it."⁴ From above it derives the motive power which it passes on to its own dependencies, which are the differentiations of its own multiplicity in unity. Like Plato's Demiurge, it mediates the world of intelligence to what is below, even down to the vegetable and mineral worlds; and while it is in its creations, or rather, while they are *in* it, it does not cease to be one. Soul takes up its parable

¹ 5. I, II.² 4. 3, 12.³ 3. 2.⁴ 4. 4, 16.

and sings : " It was God who made me, and from His hands I came forth complete, containing within me all living beings, sufficient to myself and needing nothing, since all are in me, plants and animals, the entire nature of creatures that are born, the many gods and the multitude of dæmons, and good souls, and men happy in their virtue. . . . All the beings whom I contain within me aspire after the Good, and all attain it as far as they can. On the Good the whole heaven depends, and my own Soul and the gods who dwell in my different parts, all animals and plants, and those beings also which are thought to have no life. Of these some seem to participate in existence only, others in life, others in sensibility, others in reason, others in the fulness of life." ¹

We noted that individual spirits are in intimate union with the Spirit, and here again we see that the same close connection exists between individual souls and the World-Soul. They interpenetrate without any loss of substance of the individual soul. Plotinus is anxious to guard human responsibility, and so he is careful to explain that the World-Soul does not swallow up the lesser beings on its own level of reality. In a sense, since we are dealing with entities that cannot be counted and a pluralisation that is not spatial, each soul is the World-Soul. Whatever differences divide us from communion with each other here and now take their rise from the bodies we inhabit. Thus it is necessary to distinguish a higher and a lower soul: in the first, while there are differences, they are reconcilable and

¹ E. Caird, *The Evolution of Theology in the Greek Philosophers*, i., 196.

complementary, and compose the variety of the Soul sphere; in the second, the differences are on a level of instinct where men are divided against themselves. The things that separate men from the fellowship that brings peace and harmony belong to the lower soul. "The Indivisible Soul (the Unity of the Soul) is seated in the Intellectual-Principle which is not divided among the bodily forms; the divisible Soul is seated within (or around) the bodies; it is essentially one in identity but, associated with different bodies, it brings sensation about, and may be called another faculty or power of the Soul; and so too with (the still lower) that faculty which has creative power and produces the multiplication of bodily life. This manifoldness of faculty does not take away unity; a seed has the power of manifold production and yet is one thing, and out of this unity springs the unity of its produce."¹

These Three, the One, Spirit, and Soul, constitute the Divine Trinity, and though each causes the one immediately below it, the third, in a special sense, is said to be the cause, since from it proceeds the world of multitude. In the case of the third hypostasis, pluralisation involves space and time relations, and at the furthest extreme of emanation there is "matter," which Plotinus understands not to be an extended and corporeal thing, but the very last image of the real.² It is the name for the utterly formless, and may be said to be the last rung in the ladder of reality. We must not think of it as a principle in opposition to the One, an enemy upon whose independence the One cannot impress its image. It is rather the last conceivable

¹ 4. 9. 3.

² 2. 4. 12.

stage of reality, a mere necessity of our thought. In a sense, Soul may be called the "matter" of Spirit, but it, unlike the "matter" of the created world, reflects perfectly its principle and source; whereas the "matter" of the sensible sphere is so far removed from the "Yonder" that it is the barest reflection of its ultimate source. "Matter" represents "the point at which the creative and generative power comes to a halt; it is the Ultimate Possible, it is almost Non-Being; it would be Non-Being except that Absolute Non-Being is non-existent, impossible in a world emanating from the bounty of Being: often no doubt it is called Non-Being, but this is not in strict definition but as a convenient expression of its utter, all-but-infinite, remoteness from the Authentic-Existence to which, in the long line of descent, it owes its origin."¹ It is the last conceivable stage of being in a monistic system, a matter that cannot be a form to a stage below it.

Having sketched in outline the main contour lines of the metaphysics of this system, we may pass to the area which man inhabits within it. Already we have noted that his true home is in the eternal sphere; he is in contact with Spirit through Soul, and from that realm he derives the precise kind of self that he is eternally. By means of Soul, he participates both in the heights above and in the valleys beneath; it sustains him in heavenly places, and also, by creating time, as the form of his earthly existence, provides him with this world as the school for the character of his lower self. This lower self he has by reason of

¹ S. Mackenna, Eng. Tr. of *Enneads*, i. 123.

his particularisation in a body—that is to say, in a receptive of forms, which in their lowest phases cannot themselves be forms. He is thus in contact with a world far removed from the one he really inhabits. By Soul he abides in eternity and at the same time produces time, "which is the form of a soul living in apparent detachment from its higher cause."¹

Now as participating in the "here," Soul has two lower grades, the reasoning and the unreasoning. By the first, we are to understand discursive reason, which passes from concept to concept by the mediation of other intermediate concepts, and builds up a more or less logical interpretation of experience. Like Kant's "understanding" or knowledge of the "second kind" in Spinoza, the reasoning soul constructs a system of knowledge consisting of elements all on the same plane, but fails altogether to present the parts as necessary elements in a synthetic whole. It lacks intuition, and fails to subsume its states of consciousness under the guiding principle of being. Indeed knowledge of this nature may shade off into mere opinion, where probability is the guide of life.

To this aspect of Soul there also belongs will, intellectual imagination, and intellectual memory. It has the power to picture values and to work for their realisation, and accordingly Plotinus speaks of it as the *differencia* of human beings. It shades off into the next lowest phase, the unreasoning soul, which functions as sensation, sense memory, appetite, nutrition, and vegetation. By it man is made partner in the animal and vegetable kingdoms. It constitutes his

¹ T. Whittaker, *The Neo-Platonists*, p. 75.

physiological life. It is immediately in touch with the grade below it, the body, which is its instrument, dimly sharing its beauty and form.¹

Such is man's nature if we consider him as an emanation ; but as Plotinus teaches, creation is not only a procession from the One, but also a return to it. As in Aristotle, the descending degrees of form and matter have complementary ascending complements. There is a spark of the eternal in each created thing, whether animate or inanimate, which struggles to be in union with its source. Indeed, strictly speaking, there is nothing inanimate, for Nature is a sleeping beauty dreaming of the great " I am." Plotinus says : " For all things strive after that and aspire after it by necessity of nature, as if having a divination that without it they cannot be." ² Nothing is outside Soul and Soul reaches everywhere. Hence man must retrace the several steps by which he came to be where he now is. The sense level with its beliefs ; the understanding level, which has overcome opinion and arrived at discursive thought ; the spirit level, where all is understood intuitively in the light of life's plan : these must all be traversed in turn until man passes into the bosom of the One. These several stages left behind, the One reveals itself as a Presence within man himself. " And this is the life of the gods and of god-like and happy men, a deliverance from the other things here, a life untroubled by the pleasures here, a flight of the alone to the alone." ³ The man in the street must turn logician, then philosopher, and then mystic, and be at one with himself and the

¹ 4. 8, 5.

² 5. 5, 12.

³ Last words of *Enneads*.

One. "The beholder was in himself one, having in himself no differences either in relation to himself or in relation to other things. There was no movement in him, such as wrath or desire or any intellection; nor was he, so to say, wholly himself, but as though in a rapture or enthusiasm, he was wholly quiescent and alone in a condition of unmoved calm, with no inclination outward from his own essence, nor even any movement of revolution about himself, but wholly in repose and as it were identified with repose."¹

Ethics is conceived as one of the means whereby the soul effects its return to the One, although, as we have seen, the Good is beyond the good of ethics. The One is above the moral, but man can only reach the stage at which the One will reveal itself when he has undergone strenuous discipline. But why should he have to discipline himself? Why should there be distraction and disorder in the soul? Why should the higher life have a rival? These questions are tantamount to asking, Why should there have been a creation at all? or, Why should the soul have descended? There must be a creation since there is the One; not, of course, that once upon a time something came into existence through the fiat of the One; but rather, given the One, and the dependencies are given also. Just as the sun radiates light, the One gives the many. Like an overflowing spring, it originates all the currents of being.² If it were not so, the One would not display its riches. It is good, then, that there are depend-

¹ 6. 9, 11. For interesting instances of the influence of Plotinus on St. Augustine, see article in *The Quest*, January 1915, by W. Montgomery.

² 5. 2, 1.

encies, for without them the Independent would not send forth its power.¹ Consequently man, being half-way between the One and the last emanation, or matter, is as necessary in the grades of being as any other form of finite existence ; he, like the higher and lower forms, manifests its being after his kind. Plotinus tells us that " in every living being the upper parts—head, face—are the most beautiful, the mid and lower members inferior. In the Universe the middle and lower members are human beings." ² Man's " idea " or pattern is laid up in the heavens, in the Intelligible Soul or Spirit. But his is a peculiar function ; unlike other higher souls he comes into immediate touch with body, which, though also an emanation, is much lower than his soul, and yet can react upon it. His soul sustains his instrument, or body, and is influenced by it. It cannot influence his soul considered in its eternal aspect. That, his highest nature, never " descends " into contact with body ; but his lower soul is said to " descend " when it, together with his body, is regarded as composing his animal nature. Instinct is a composite reaction of the body-soul complex. Were it not for the dwelling of this soul-grade around body, there would be no descent. Instinctive reaction is, therefore, unworthy of the higher soul to which man may rise, or rather, of the higher soul which he is. By the higher soul he is guided and sustained.

But when we ask whether the soul in descending has committed a sin, Plotinus has no very definite answer. Sometimes he appears to hold that its

¹ 6. 7, 9 ; 2. 9, 3.

² 3. 2, 8.

motive was good, sometimes he says not. " In the seventh book of the 'Fourth Ennead' he states what is perhaps his own inmost thought upon the matter when he says that the Soul has a longing to go forth and set in order ' according to what she has seen in the spiritual world ' ; the Soul is with child by Spirit and must give birth to her offspring ; this is why she creates the world of sense " ¹ On the other hand soul is said to be sent down, rather than to descend. " All that descends to a lower state descends against its own free will, but since it has followed an impulse of its own nature it is said to pay the penalty, which is no other than the very fall itself. But in the sense that such an act and experience was necessary from eternity by a law of nature, then one may say . . . that this thing, descending from what was above it to the service of something else, was sent down by God " ² This impulse of its own nature is selfishness, and is paralleled in the teaching of Origen, though he did not regard the pre-natal fall as a necessity. Plotinus asks : " What can be the cause that has led souls to forget God, their Father, and members of Him though they are, wholly His, to cease to know both themselves and Him ? The evil that has befallen them is due to a Rebellious Audacity, to their entry into birth (or their desire to ' become '), to the Primal Differentiation and to their desire to have similarly a life of their own " ³ Apparently he is not clear as to whether the soul comes down necessarily or freely. Possibly he is attempting to reconcile both views. Considered as a member of an emanating system, its

¹ W. R. Inge, *op. cit.*, i. 258.

² 4. 8, 5.

³ 5. 3, 9.

descent is of necessity; considered in itself, it descends freely, giving expression to its own individual nature. Again, to express its nature is good, for in doing so, it imitates spirit; but since the vehicle of its expression is so far removed from its nature, and involves a differentiation it can never quite control, its act of self-expression is bad.

For our purpose here, it is enough to say that Plotinus regards man as a fallen creature. Indeed, for him, creation being eternal, there is a sense in which man is eternally fallen. True it is that he is Divine, since he shares in Spirit and the World-Soul, and is himself both spirit and soul; but equally, as a possessor of body he is tied to a vehicle whose weight impedes his heavenward flight. As man, further, he carries about him the penal consequences of his nature. Man is a fallen being; *ipso facto* he is a punished being.¹ The evil that befalls him is due to his very birth.²

That phase of the soul which has descended suffers the rewards of its misdeeds. Initially, as a particularised soul, it differs in character from other souls. "Souls vary in worth; and the difference is due, among other causes, to an almost initial inequality."³ An individual soul is a "part." Individual souls, being different, have different aims.⁴ Were they all seeking the Good of the Spirit, there need be no clash of soul with soul; but as things are, there must be strife. As mortals we do not keep our eyes fixed on the heavenly plan. "By deviation from that Authentic Kosmos, one with itself, there subsists

¹ 4. 8, 5.

² 5. 3, 9.

³ 3. 2, 18.

⁴ 3. 2, 4.

this lower Kosmos, no longer a true unity. It is multiple, divided into various elements, thing standing apart from thing in a new estrangement. No longer is there concord unbroken; hostility, too, has entered as the result of difference and distance; imperfection has inevitably introduced discord; for a part is not self-sufficient, it must pursue something outside itself for its fulfilment, and so becomes the enemy to what it needs" ¹. As mortals we *cannot* keep our eyes fixed on the heavenly plan. When individual souls would retrace their steps, they find that their various paths intersect and cause collision. Murders and the sacking of cities ensue. Even the brute creation is against itself and against us. Plotinus says that "given the plan as we know it, evil cannot be eliminated and should not be" ². And yet the wretched sinner cannot help sympathising with his equally wretched bed-fellows ³.

War without is paralleled by war within. In the absence of the inner presence of the Good, his unruly desires tyrannise over him ⁴. "So in the assembly, when the elders are wrapt in thought, the unruly mob, craving food and complaining of its discomforts, casts the whole meeting into unceasing uproar. If they will keep quiet, and a word comes to them from some noble citizen, the tumult is allayed, and the worse does not prevail. Otherwise, if the better remains silent, the worse prevails, because the clamouring throng cannot receive the word from above" ⁵. Destined for freedom, fallen man is a creature of necessity. As in Kant's system the man who ought to be free, and a law unto

¹ 3. 2, 2.² 3. 2, 15.³ 4. 9, 3.⁴ 3. 1, 9.⁵ 6. 4, 15; 3. 2, 4.

himself, has sunk into a phenomenal sphere governed by cause and effect. "But when the soul holds to the Reason-Principle, to the guide, pure and detached and native to itself, only then can we speak of personal operation, of voluntary act. Things so done may truly be described as our doing, for they have no other source; they are the issue of the unmingled Soul, a principle that is a First, a leader, a sovereign not subject to the errors of ignorance, not to be thrown by the tyranny of the desires which, where they can break in, drive and drag, so as to allow of no act of ours, but mere answer to stimulus."¹ Thus do the chains of habit bind a free man.² His mystic sense becomes paralysed, and he sinks to the level of the brute. His self is no longer spiritual, but wolfish.³ Without the key to interpret life's troubles, he is distressed to see how the wicked flourish as a green bay tree and the good perforce walk in slippery places.⁴

But the soul is immortal, and Plotinus makes use of the theory of transmigration in following up its future career. A bad soul finds that particular type of body for which it has fitted itself to be the leading principle. "Those that have maintained the human level are men once more. Those that have lived wholly to sense become animals—corresponding in species to the particular temper of the life—ferocious animals where the sensuality has been accompanied by a certain measure of spirit, gluttonous and lascivious animals where all has been appetite and satisfaction of appetite. Those who in their pleasures have not lived by sensation, but have gone their way in a torpid grossness,

¹ 3. 1. 9.² 3. 2. 8.³ 3. 2. 8.⁴ 3. 2. 6.

become mere growing things, for this lethargy is the entire act of the vegetative, and such men have been busy betreeing themselves. Those, we read, that otherwise untainted, have loved song become vocal animals; kings ruling unreasonably but with no other vice are eagles; futile and flighty visionaries ever soaring skyward become high-flying birds; observance of civic and secular virtue make man again, or where the merit is less marked, one of the animals of communal tendency, a bee or the like.¹ Past fixes future, and future is as past. Sin is its own punishment by an automatic and equalising law. We take out exactly what we put in.²

We observe, then, that punishment is regarded by Plotinus as retributive. To this conclusion he is led by his premiss of the Soul's ubiquity. There is nothing outside Soul, and Soul while it has its grades or degrees of reality, is but the reflection of Spirit or the Intelligible Principle, whose law runs through all things. Thus when we identify ourselves with the Providence under whose dispensation we have our being, we are our own principle, and we are free; whenever we fall, we have, by our refusal to choose the good, allowed ourselves, of necessity, to be placed on a definite soul level, exactly adjusted to our character.³ In sum, evil belongs to the sequence of things, but it comes (not from Providence but) from Necessity. It originates in ourselves; it has its causes no doubt, but we are not, therefore, forced to it by Providence; some of these causes we adapt to the operation of Providence and of its subordinates, but with others

¹ 3. 4. 2.

² 3. 2. 4.

we fail to make the connection ; the act instead of being ranged under the will of Providence consults the desire of the agent alone or of some other element in the Universe, something which is either itself at variance with Providence or has set up some such state of variance in ourselves." ¹ Again, " even though the I is sovereign in choosing, yet by the fact of the choice the thing done takes its place in the ordered total." ² To choose the wrong, that is, to allow yourself to be determined by circumstances, is *ipso facto* to bring into effect the Intelligible-Principle which controls your soul-level. To act like an ox is to possess the ox-soul, and, therefore, the ox lot is yours. The ox does not sin by living as an ox.³ There is no question of punishment in its case, because the ox-soul at the highest level cannot pass into spirit. An animal has no responsibility. Plotinus never omits to press responsibility on the human being. " The good and evil done by each human being must be his own ; and it is quite certain that we must not lay any vileness to the charge of the All." ⁴ " Men are no doubt involuntary sinners in the sense that they do not desire to sin ; but this does not alter the fact that wrong-doers, of their own choice, are, themselves, the agents ; it is because they themselves act that the sin is their own ; if they were not agents they could not sin." ⁵ Even when he speaks of the world as a gigantic drama, he insists that the actors, though they play parts assigned to them on the basis of their past lives, must contribute something of their own to the piece.

¹ 3. 3. 5.² 3. 3. 3 ; 3. 2, 12.³ 3. 3. 4.⁴ 3. 1, 5.⁵ 3. 2, 10 ; 3. 2, 17.

The whole is roughly outlined, and the players are free to fill in detail just as they please. "Just so the Soul, entering this drama of the Universe, making itself a part of the Play, bringing to its acting its personal excellence or defect, set in a definite place at the entry and accepting from the author its entire role—superimposed upon its own character and conduct—just so, it receives in the end its punishment and reward. But these actors, Souls, hold a peculiar dignity: they act in a vaster place than any stage—the Author has made them masters of all this world; they have a wider choice of place; they themselves determine the honour or discredit in which they are agents since their place and part are in keeping with their quality; they therefore fit into the Reason Principle of the Universe, each adjusted, most legitimately, to the appropriate environment, as every string of the lyre is set in the precisely right position, determined by the Principle directing musical utterance, for the due production of the tones within its capacity."¹ At any given moment we are what we have made ourselves in a past life, decorated, within certain limits, by what we are making ourselves. So has Providence decreed.

Providence, however, as her name indicates, looks forward. Ascent is wiser to descent. Providence wills that individual souls should intensify their reality, and so pass through the higher self to Spirit and the One. Hence punishment, though it is necessary, and visits the wrong-doer by an exactly calculated penalty, neither less nor more, is at the same time reformatory and deterrent. Like any event in the time order, it is

¹ 3. 2, 17; 2. 3, 9; 3. 4, 3; 3. 3, 2.

determined by past conditions, and works into the future. Nothing can happen by chance.¹ Of vice Plotinus says: "Even this brings something to the general service: it acts as a lesson in right doing, and, in many ways even, produces good; thus, by setting men face to face with the ways and consequences of iniquity, it calls them from lethargy, stirs the deeper mind and sets the understanding to work; by the contrast of the evil under which wrong-doers labour it displays the worth of the right. Not that evil exists for this purpose; but, as we have indicated, once wrong comes to be, the Reason of the Kosmos employs it to good ends; and, precisely, the proof of the mightiest power is to be able to use the ignoble nobly and, given formlessness, to make it the material of unknown forms."² Just as Providence heals a gash in the body, she repairs sickness in the soul. "The right rules," he says, "and what has happened amiss is transformed and corrected."³ Thus penalties interpreted in the light of the whole and the future become remedial.⁴

The arm of Providence reaches everywhere, and even controls human punishments. In every crime the perpetrator is meting out what is really a penalty: in a previous life his victim did just what now he suffers. "A man that murders his mother will become a woman and be murdered by a son; a man that wrongs a woman will become a woman to be wronged."⁵ Nevertheless he is not freed from blame, for his act issued from an evil nature. In this way any evil

¹ 3. 1, 10; 3. 2, 2.

² 3. 2, 5; 3. 2, 10.

³ 3. 3, 5.

⁴ 4. 4; 3. 2, 13

⁵ 3. 2, 13; cf. Plato, *Laws*, 872.

deed sets up a series of punishments *ad infinitum*. "The world is so organised that the crimes of the wicked are not haphazard and wasted, but are impressed into the service of the divine justice."¹ By a convenient arrangement there is always a man round the corner who will do to me as I have done to another.

It is plain, then, that the same conditions govern all punishments, whether human or divine. We get measure for measure, and we get it providentially for good. And when we say that we are punished, we mean that it is the lower self, the soul that has wielded the body, that is punished. The higher soul never descends, and stands in need of no penalty by which it may work an ascent. The lower soul, on the contrary, has a chance to purify itself and to rise above the interests of animal and vegetative life. Reason has flown, the sense impulses have taken the throne, and until they cease to distract us with pleasure and pain and desire, we do not enjoy the things that belong unto our rest. Like foolish people we lose interest in the game, distracted by its pawns. We are fated to grow weary with them, for they do not touch us where we really ought to live; we perceive that we are naked and grow ashamed when our penal condition forces us to remember our Father's Home.² Our only hope is to take the game of life seriously, and by a steady course in the civic virtues, justice, fortitude, temperance, and wisdom, to learn to control our instrument, the body. We shall then by bitter experience have learned the lesson of the Psalmist:

¹ B. A. G. Fuller, *The Problem of Evil in Plotinus*, p. 171.

² 5. 3. 9.

"It is good for me that I have been in trouble." We shall choose the good, because we have first learned to hate the bad. The descent of the soul will appear in a new light, and we shall thank God for our creation as heartily as for our preservation.¹ Should our penalty remain, or any other evil cross our path, we shall not be dismayed, for we shall have left the virtues far behind: in the presence of the One, our higher self can suffer naught.² "Those incapable of thinking gravely read gravity into frivolities which correspond to their own frivolous nature. Anyone that joins in their trifling, and so comes to look on life with their eyes, must understand that by lending himself to such idleness he has laid aside his own character. If Socrates himself takes part in the trifling, he trifles in the outer Socrates."³

In spite of the great contribution Plotinus has made to the doctrine of Divine Immanence, he hedges the One about with a divinity foreign even to Hebrew thought. This is a world of change, the Good cannot change; therefore, *ex hypothesi*, the Good, and in a sense, man, so transcend it, that they cannot come into touch with it. The theodicy of Plotinus prevents him from coming to grips with the facts of sin and suffering. Punishment does not affect the real man. Hence, although, on the one hand, we have that nexus between God and man which makes an Incarnation possible, on the other we are confronted with something that cries for salvation, and cannot be redeemed. Some souls make the ascent to heaven and free themselves from the lot of earth; but the

¹ 4. 8, 7.² 1. 2, 3.³ 3. 2, 15.

One cannot come down. The most that can be said is that the battle goes to the strong. If the One did come down, It could effect nothing. . . . the law does not warrant the wicked in expecting that their prayers should bring others to sacrifice themselves for their sakes : or that the gods should lay aside the divine life in order to direct their daily conduct." ¹ As Bigg says "Man may love God, but God cannot love man. Religion is the search for the star. Man can reach the star, and cannot be happy unless he does ; but the star does not know anything about him, and does not care whether he reaches it or not." ² With Newman, Plotinus can sing,

Praise to the Holiest in the height,

but at the next line he falters,

And in the depth be praise,

because he did not know the truth of the Second Adam.

O wisest love ! that flesh and blood,
Which did in Adam fail,
Should strive afresh against the foe,
Should strive and should prevail ;

And that a higher gift than grace
Should flesh and blood refine,
God's Presence and His very Self,
And Essence all-divine.

¹ 3. 2. 9.

² *Neo-Platonism*, p. 248.

CHAPTER III

ST. AUGUSTINE AND PUNISHMENT

THROUGHOUT the writings of St. Augustine, that syncretism of Neo-Platonism, Manicheism and Paulinism, there are scattered numerous passages and remarks dealing with punishment, which it will be the purpose of this chapter to collect and present, if possible, as a self-consistent theory. In the recesses of his being the great saint tasted both the wrath and the love of God, and his experiences are of interest both to the theologian and the psychologist. Perhaps the critic may be allowed to affirm to-day that it is to his psychology of sin rather than to his dogmatic teaching on punishment that we owe the greatest debt; for his theory of punishment cannot be reconciled with the Christian faith as it is revealed in the New Testament.

In the first place, in our attempt to elucidate his view of Divine punishment, we must give a brief outline of his general theodicy. Let us begin with God and his relation to the world and to man. He believes that the material universe, Adam, and the whole hierarchy of angels owe their existence to God. He can originate nothing that is evil, and His handiwork exhibits, in higher or lower degrees,

the stamp of His goodness. The Blessed Trinity is reflected in man's three-fold psychic nature,¹ and, more dimly in the "outer man," that psychic nature common to him and the beasts,² while his body is an ordered and proportioned entity,³ and has its good when ruled by the soul.⁴ The world in which he lives, operated according to natural law, is a revelation of God's order, and even the organism of a flea has its own peculiar order.⁵ Indeed the whole creation witnesses to God. If His power were withdrawn, nothing would remain.⁶ Justice, in the Platonic sense, runs through all things.

In heaven, the incorporated spirits are at one in will with the Supreme Governor,⁷ and thither Adam was to have been translated, after the manner of Enoch and Elijah,⁸ had he not consented to the whisperings of the tempter.⁹ He would not have suffered the violence of death, which is a separation of soul from body, but without the grace of a Mediator would have passed into the realm of the blessed.¹⁰

But that was not to be. Disorder appeared first in these heavenly places and made its way to earth. Its source lay in a good will — for "there was at first no source from which an evil will could spring, except the nature of angel or man, which was good."¹¹ By

¹ *De Trin.* ix. 12, 18; x. 12, 19.

² *Ib.* xii. 1, 1.

³ *Contra Faust.* xxi. 6. ⁴ *Ps.* cxlvi. 2; *De Mor. Ecc. Cath.* 5, 7.

⁵ *Serm.* xci. 3; *Ps.* cxlviii. 8. ⁶ *Ps.* cxix. 72; *De Trin.* iv. 19, 25.

⁷ *De Trin.* iii. 4, 9.

⁸ *De Pecc. Merit.* i. 3.

⁹ *De Civ. Dei*, xiv. 15.

¹⁰ *Enchir.* 108.

¹¹ *Ib.* 15.

pride an angel became a devil.¹ He had associate angels as partners in his sin ; ² but, there being no race solidarity of angelic beings, sin did not infect those who did not sin.³ The devil and his angels proceed to attack the order of beings next below them by means of suggestion.⁴ The parents of the race prove suggestible.⁵ Over them and their posterity the devil is granted a limited measure of dominion, and beyond this limit his powers do not extend.⁶ The Satanic kingdom can harm man only in so far as God permits.⁷ This perversion of His plan God foresaw,⁸ but remaining absolute in His universe, the devil and wicked men drawing their power of life from Him,⁹ He directs the evil of the whole to a good end.¹⁰

The first man, then, in Paradise was blessed, although the future duration of his condition was uncertain and unfixed.¹¹ He was blessed in body, because it was not corruptible ; ¹² and in soul, because, by the exercise of his free will he could control his body without any internal opposition.¹³ His invisible enemy succeeded in enticing him into the sin of pride,¹⁴ and in this sin he forsoke God. St. Augustine describes pride as the craving for undue exaltation ; the proud soul is one that regards itself as an end in itself, whereas its true end is God.¹⁵ Evil,

¹ *De Nat. et Grat.* 33 ; *Ps.* civ. 16.

² *Enchir.* 28.

³ *Ib.*

⁴ *De Con. Evang.* iii. 1, 4 ; *Ps.* iii. 10.

⁵ *Ps.* xix. 14 ; *De Trin.* xii. 12, 19.

⁶ *Ps.* civ. 36.

⁷ *De Civ. Dei*, ii. 23.

⁸ *Contra Faust.* xxii. 21.

⁹ *De Trin.* xii. 12, 16.

¹⁰ *Ib.* xiii. 16, 20.

¹¹ *De Civ. Dei*, xi. 12.

¹² *De Cat. Rud.* 18, 29.

¹³ *Ep.* cxliii. 6.

¹⁴ *De Nat. et Grat.* 33.

¹⁵ *De Civ. Dei*, xiv. 13.

however, is not confined to the will, and spreads itself over the whole soul, since all aspects of psychic life in man's case are ultimately aspects of will.¹ In the last analysis, Adam's sin is resolvable into six different elements: pride, blasphemy, murder, spiritual fornication, theft, and avarice.² His self-caused soul-disorder is death, which is the being forsaken of God; and such is the intimate connection between soul and body, death passes to the latter which must, one day, be separated from its more honourable partner.³ Nevertheless death of soul is not equivalent to extinction, for the soul is by nature immortal and never ceases to have some life or other, however miserable.⁴ Though God's image be defaced or obscured, it always is.⁵ While this fate overtakes Adam and carries him into the realm of devils and darkness, God remains secure in His justice. Adam has abandoned God, and God has, *ipso facto*, abandoned him.⁶ Justice demands that sin be punished and God's wrath be declared.⁷

Adam's posterity could not enjoy the blessed and favoured state of its ancestor, for he propagated his corrupt nature. Sinners spring from sinners.⁸ Likewise the penalty of Adam's sin is inherited also; "... that which our stock hath received unto its subjection to

¹ *De Civ. Dei*, xiv. 6.

² *Enchir.* 45.

³ *De Civ. Dei*, xiii. 2.

⁴ Cf. Plotinus, *Enneads*, vi. 9, 10: "... the nature of the soul never reaches absolute non-existence, but in her descent reaches evil, and in this sense non-existence, but not complete non-existence."

⁵ *De Trin.* vi. 12; xiv. 4, 6.

⁶ *Ib.* xii. 12, 16.

⁷ Ps. lxxxv. 5.

⁸ *Serm.* lx. 1; *De Nupt. et Con.* ii. 57.

death, it hath derived from Adam.”¹ St. Augustine refuses to say whether souls are propagated as bodies are by generation, or whether there is an initial act of God’s inbreathing on the occasion of each birth;² but in either case Adam’s descendants are born to die.³ Original sin and its consequent penalty must visit all.⁴

The corruption of human nature is a far-reaching series of effects; even infants, before they are responsible beings, incur it;⁵ and each new birth continues the course of sin.⁶ Not only is the soul weak and prejudiced in favour of self, but it must perforce live among sinners. Avarice, robbery, daily lying, the worship of divers idols and devils, the unlawful remedies of enchantments and amulets imprison it like Babylon.⁷ By consent it wills such things for itself.⁸ It even consents to the frailty of its encompassing flesh; even though in the case of the first man “it is not the corruptible flesh that made the soul sinful, but the sinful soul that made the flesh corruptible.”⁹ Man, weakened both in soul and body, is condemned to live in the nest which he and his ancestors have fouled, a veritable hell upon earth.¹⁰

God, having foreseen the issues of sin, arranged His own design with a view to the good;¹¹ a Mediator at once God and man should reconcile men to Himself by curing their pride,¹² and redeeming them by the sacrifice of His life on the Cross.¹³ His blood, shed for

¹ Ps. lxxxv. 5.

³ Ps. li. 10.

⁵ *Ib.* 46.

⁷ Ps. cxxxvii. 12.

⁹ *De Civ. Dei*, xiv. 3; xiv. 15.

¹¹ *Enchir.* 104.

¹³ *Commentary on St. John*, xcvi. 3.

² *De Anima*, i. 19.

⁴ *Enchir.* 26.

⁶ *De Nupt. et Con.* ii. 20.

⁸ Ps. xix. 14.

¹⁰ *Ib.* xxii. 22.

¹² *Ib.* 108.

the remission of sins, would redeem thousands of believers from the dominion of Satan and unite them in one body with Himself¹. Though the race be condemned in justice, the grace of God rescues for part of it the forfeited blessing of eternal life; and pronounces judgment on the greater part, the self-willed, by abandoning it². From the loins of the first man there proceed two cities: one, the people of God, to be hereafter associated with the good angels in reward, the other, with the devil and his angels in condemnation.³

Jesus Christ, though He entered into the condition of mortal man, did not deserve death, and yet experienced this separation of soul from body in order that He might conquer the devil⁴. "The devil was the author of death, and the devil was himself by the Death of Christ led captive,"⁵ "Without any evil desert of His own, He bare our evils."⁶ "He took upon Him our punishment, and so loosed our guilt,"⁷ His unmerited death is the price of our redemption.⁸ "The blood of Christ was a price paid for us, but by accepting that price the devil was not enriched but bound, since he claimed payment from One who was under no obligation to him."⁹

Men are subject to the liberating grace of Christ, which separates the redeemed from the lost,¹⁰ provided that they bend their crooked wills to His;¹¹ the will,

¹ *St. John*, iii. 6.

² *Enchir.* 99.

³ *De Civ. Dei*, xiii. 27.

⁴ *Enchir.* 49.

⁵ *Serm.* lxxviii. 4.

⁶ *De Trin.* xiii. 10, 13.

⁷ *Ps.* li. 10.

⁸ *De Trin.* xiii. 10, 13.

⁹ L. W. estimated *What History of the Doctrine of the Atonement*.

¹⁰ *Id.*

¹¹ *Enchir.* 99.

¹¹ *Ps.* xxxvi. 14.

however, being impotent, cannot even choose the good without being moved thereto by God. "And thus to desire the help of grace is the beginning of grace."¹ The will is defined as "a movement of the will, no one compelling,"² but as perverted, it cannot in itself choose to follow the Will of God. "And consequently, a good will, by which we love God, cannot be in man, save in whom God also worketh to will."³ Man did not create himself; no more can he create a good will.⁴ The grace of God drives out from the citadel of our hearts our spiritual enemy and presents us with a new object of attention, Himself.⁵ "Salvation, therefore, comes exclusively through grace—that replenishment with the Divine life which anew creates in us the good will—for Christ the God-man has brought down to earth the powers which give us back liberty to express freely the new nature."⁶

Grace is, first, *prevenient* (*gratia praeveniens*), whereby man can think what is good; ⁷ then operating (*gratia operans*), whereby he can love it; third, co-operating (*gratia co-operans*), whereby the will is assisted to realise the chosen end; ⁸ finally, the gift of

¹ *De Corrept. et Grat.* 2.

² *De Duabus Anim.* 10, 14: "Voluntas est animi motus, cogente nullo, ad aliquid vel non amittendum, vel adipiscendum."

³ *De Pat.* 19, 22. Cf. J. B. Mozley, *Augustinian Doctrine of Predestination*, p. 153: "The grace . . . to which Augustine gives the name or description of '*adjutorium voluntatis et actionis*,' we find . . . to be endowed with the effect of action; to be a grace, not only given in order that such and such actions may be done, but also causing those actions to be done in fact."

⁴ Ps. xlv. 13.

⁵ *Serm.* xvii. 10.

⁶ H. R. Mackintosh, Art. "Grace," *H.D.R.E.*

⁷ *Contra Duas Epp.* ii. 18.

⁸ *De Grat. et Lib.* 33.

perseverance (*donum perseverantiae*) prevents man from falling from the way of salvation and predestines him to reign with Christ.¹

Baptismal grace completely obliterates all past sin, whether original or actual.² It is an antidote to original sin in particular in the case of infants.³ Baptism is the first step in a man's restoration.⁴ But his mortal frailty is not immune from future scars,⁵ and a war will rage between the law of the mind and the law of the members during the whole of earthly life.⁶ The self is divided: "It is the Spirit of God who fighteth in thee against thyself, against that which in thee is against thee."⁷ Christ heals our sicknesses by restraining our desires and by renewing our nature.⁸ Dead in trespasses and sins, we are raised by Divine grace working within the soul.⁹ An invisible miracle is worked within us.¹⁰ God need not communicate with His image by material means,¹¹ for the image has a sensibility by which truth and justice may be discerned.¹²

The soul stirred by motions of Divine grace is cleft in sunder by reason of its penal servitude to sin;¹³ simultaneously it is subject to the grace and the anger of God in judgment.¹⁴ The law of order demands that

¹ *De Corrupt. et Grat.* 14. See R. S. Moxon, *The Doctrine of Sin*, pp. 98-9.

² *Serm.* vi. 11.

³ *Enchir.* 43, 64. J. B. Mozley, *op. cit.*, p. 123: "On the whole this punishment in hell is assigned to unbaptized infants." *De Peccat. Merit.* i. 1, 20.

⁴ *Enchir.* 64.

⁵ *Serm.* vi. 11.

⁶ *Ps.* lxxi. 5.

⁷ *Serm.* lxxxviii. 9.

⁸ *De Contin.* 18.

⁹ *Ps.* cii. 20.

¹⁰ *Serm.* ix. 2.

¹¹ *De Civ. Dei*, xi. 2.

¹² *De Anima et ejus Orig.* ii. 3.

¹³ *Ps.* lxxxiv. 10.

¹⁴ *De Peccat. Mer.* ii. 25; *De Civ. Dei*, xv. 25.

sin should issue in disorder and be experienced as pain : once harmony, or peace, ceases to characterise the soul's relation to God, the whole man, soul and body, is disorganised. The soul, *qua rational*, falls apart into a knowing and acting conflict ; *qua irrational*, its appetites clamour for gratification.¹ Truth is exchanged for illusion,² and concupiscence cannot be suppressed.³ The bread of truth is bitter ;⁴ and the longing after an unlawful object is itself a penal condition of mind.⁵ Disobedience has resulted in servitude to the whims of the flesh ;⁶ and when God would rescue us from our lower self we suffer the birth-pangs of a new creation ;⁷ but while we are visited by this retribution, we may see in our very wretchedness the love of God.⁸

These pains, resulting from our own corrupted nature, may be styled self-caused as compared with those ills which the sins of others bring upon us. For God permits evil men to hurt us lest we should be enamoured with the delights of this world ;⁹ by means of them the faithful are proved¹⁰ and deterred.¹¹ Righteous men may suffer harm at the hands of wicked men in their witness for Christ ;¹² a martyr sins if he does not consent to die.¹³ The evil forces of heaven, too, are God's instruments for good to the faithful.¹⁴ Wicked men, predestined to punishment, are punished

¹ *De Civ. Dei*, xix. 13.

³ *Contra Duas Epp. Pel.* i. 35.

⁵ *Ib.* lviii. 14.

⁷ *Ps.* xlviii. 5.

⁹ *Serm.* xxx. 8.

¹¹ *Ps.* cxxxv. 9.

¹³ *De Civ. Dei*, xiii. 4.

² *Ps.* xxxviii. 10.

⁴ *Ps.* v. 15.

⁶ *De Civ. Dei*, xiv. 15.

⁸ *Ib.* xxxix. 17.

¹⁰ *De Trin.* xiii. 16, 20.

¹² *Enchir.* 10.

¹⁴ *Ib.* xxi. 13 ; *De Trin.* iv. 17. 23

by the evil works of evil wills.¹ for "God would never have created any, I do not say angel, but even man, whose future He foreknew, unless He had equally known to what uses in behalf of the good He could turn him, thus embellishing the course of the ages, as it were, an exquisite poem, set off with antitheses."²

Were it not that St. Augustine rejects the doctrine of creation by emanation in favour of an absolute creation *ex nihilo*,³ we might suspect him of Neo-Platonism, when we spread out his idea of reality as a series of ascending and descending terraces. There is God the unchangeable Author, bringing to pass the changeableness of unchangeable things.⁴ "every ordained creation, running by ordinance, beautiful by ordinance, rising by ordinance, setting by ordinance, going through all seasons by ordinance," is full of the creation of Christ.⁵ "the interchange of night and day, and the settled order of things in Heaven, the revolution of years divided into four parts, the fall and return of leaves to trees, the boundless power of seeds, the beauty of light, the varieties of colours, sounds, tastes and scents," flow from the fountain of truest beauty.⁶ All natures are beautiful in their order, according to their gradation.⁷ The sun, the moon and the stars are in a harmony of degrees of glory.⁸ Among living things, man occupies an intermediate position between angels and beasts; he might have

¹ Ps. x. 4; *Enchir.* 100.

² *De Civ. Dei*, xi. 18. For an allegorical interpretation of the ten plagues inflicted by evil angels on the Egyptians, see Ps. lxxviii. 24—e.g. *Rana est loquacissima vanitas*.

³ *Contra Epp. Manich.* 36, 41.

⁴ *Contra Faust.* xxvi. 5.

⁵ Ps. civ. 31.

⁶ *De Util. Cred.* 34.

⁷ *De Serm. Dom.* I. xii. 34.

⁸ *De Bono Vid.* 9.

passed into the company of the former, but instead he is doomed to die like the latter.¹ His soul is intermediate between God and his body,² and like God it is incorporeal.³ The mind comes to be a mind when it is turned towards the good,⁴ and is made happy by God,⁵ and lower desires are regulated by higher.⁶ Now evil is a "corruption either of the measure, or the form, or the order that belongs to nature," and good and bad vary as these qualities vary.⁷ Our minds are polluted when they are alloyed with an order below them.⁸ If we considered nature with the eye of reason, we should see behind her wonders their Author.⁹ Contemplation of things temporal ought to carry us into the realm of things eternal: but we become entangled in the world and lose single-mindedness.¹⁰ Interest in external things merely for their own sakes leads to the love of them. Their images haunt the mind and introspection becomes impossible.¹¹ Insensible, then, to its true nature and office in the scheme of Providence, the Soul would be its own law-giver; and its laws must be contrary to the laws of the whole.¹² Such pride is the withdrawal of the will

¹ *De Civ. Dei*, xii. 21.

² *St. John*, xxiii. 5.

³ *De An. et ejus Orig.* iv. 18.

⁴ *De Trin.* viii. 3, 5.

⁵ *St. John*, xxiii. 5.

⁶ *Contra Faust.* xxii. 28.

⁷ *De Nat. Boni*, 3.

⁸ *De Serm. Dom.* II. xiii. 44.

⁹ *Serm.* lxxvi. 3.

¹⁰ *De Consen. Ev.* I. xxxv. 53; *St. John*, xxviii. 8.

¹¹ *De Trin.* x. 8, 11.

¹² *Ib.* xii. 9, 14. Cf. Plotinus, *Enneads*, iv. 8, 2 (C. M. Bakewell, *Source Book in Ancient Philosophy*, p. 388): ". . . individual souls, I say, are without sin so long as they remain with the world-soul in the intelligible world. . . . But if they alter their mode of existence and change from the whole to the part, and take to existing independently and of themselves, and find, so to speak,

from God: and the more independent the soul the further it recedes from God.¹ The flesh, now out of control, calls downward, while the Spirit calls upward.²

The soul, having lost its good, cannot be the good of the body as it ought.³ Indeed every movement of the mind leaves its impress on the body. Centrally aroused sensations pursue us with marvellous facility. "Therefore these footprints of its motion, so to speak, which the mind impresses on the body may perchance not only remain, but remain as it were with the force of habit: and it may be that, when these are secretly stirred and played upon, they bear thoughts and dreams into our minds according to the pleasure of the person moving or touching them."⁴ But in proportion as the soul is helped by God, it can behold Him Who is within, warring against its memory-images of external things and its carnal delights,⁵ and pass from interest in things visible to Him.⁶ Conscience exhorts,⁷ visions are sent from Heaven,⁸ the fair beauty of nature calls us to praise,⁹ and the bitterness mingled with this world's good points to the immutable realm. "Be thou gold. Regard this world as the furnace of the goldsmith: in one narrow place are there three things—gold, dross, fire. To the two former the fire is applied,

their association with the world-soul irksome, they revert to an independent existence. . . . This prior state is altogether better if she will return thither, but as it is, she is fallen and fettered, and inasmuch as she exercises her activities through the medium of sense

. . . Plato talks of her as buried in a dark cave. But her return to pure thought when through her recollection of her former state she reaches point of departure toward the vision of real existence is called a "sawing at her hands and an ascent to the upper world."

¹ Ps. xciv. 12.

² *Ib.* lxxxiv. 9.

³ *De Mor. Ecc. Cath.* 5, 7.

⁴ *Epp.* ix. 3.

⁵ Ps. cxlvi. 2.

⁶ *De Trin.* xiv. 17, 23.

⁷ *De Util. Cred.* 34.

⁸ *De Trin.* iv. 1, 2.

⁹ *Serm.* xviii. 2.

the chaff is burned, and the gold is purified.”¹ If we will not be conformed to the image of the Son and share His blessedness, we must be conformed to this world.²

All souls, whether predestined to eternal blessedness or doomed to eternal condemnation, endure the penalties of sin in this life of the body.³ The redeemed have been forgiven, but their penalty is protracted beyond their faults, so that they may be exercised in the virtue of patience.⁴ They interpret pain in the light of God’s justice, and console themselves with the thought that were there no punishments here God would seem lax.⁵ By the instrumentality of the salutary remedy of alms God has provided a path of access to Himself; and to the Church Christ has delegated the authority to dispense forgiveness.⁶ All punishments however inflicted, be they temporal (here or hereafter) or eternal, happen in the Providence of God.⁷

The first death, being penal, is not good even to the good while it is being endured; through it patience may be strengthened, provided that it be endured piously: ⁸ its good lies in the fact that it releases the soul from the body.⁹ If redemption through baptism were to issue in immediate immortality, faith could have no opportunity to bear fruit: ¹⁰ by the mercy of God, death is the instrument of new life. And yet good men, knowing that death ought not to be dreaded,

¹ Serm. xii. 12.

³ *De Civ. Dei*, i. 8.

⁵ *De Civ. Dei*, i. 8.

⁷ *De Civ. Dei*, xxi. 13.

⁹ *Ib.* xiii. 2.

² *De Serm. Dom.* II. xii. 40.

⁴ *St. John*, cxxiv. 4.

⁶ *St. John*, cxxiv. 4.

⁸ *Ib.* xiii. 6.

¹⁰ *Ib.* xiii. 4.

inflict it as a penalty on wicked men, because such men fear it, and because of its salutary effect on others.¹ But to wicked men, the first death can only be evil unrelieved.²

The soul, after having been separated from the body, passes into a hidden retreat, where it awaits the final judgment: in this intermediate state it enjoys rest or suffers affliction proportioned to its merit.³ The state entered upon at death takes its colour from the nature of the edifice of character erected in earthly life.⁴ Dives and the Beggar had very different experiences.⁵ Then comes the resurrection and the final judgment, when He Who came in the lowliness of humanity will appear in the glory of His power both to admit His chosen to His eternal kingdom, and to condemn the devil and sinners to eternal torments.⁶ The latter will be subject to the second death, which is said to be a perpetual alienation from the life of God.⁷ Their pains will be determined by the measure of their sins,⁸ and much as they would fain end their existence, they lack the power to do so.⁹ While on earth they burned with the fire of lust,¹⁰ in this eternal death they are to suffer literal fire in their resurrection bodies and in their souls. Regarding the nature of the torments of soul, scripture is silent, but it will at least take the form of fruitless repentance;¹¹ and in the matter of fire, a literal interpretation is not

¹ *De Serm. Dom.* I. xx. 64.

² *Enchir.* 109.

³ *Ps.* lxviii. 12.

⁴ *Enchir.* 113.

⁵ *Enchir.* 111.

⁶ *De Civ. Dei*, xxi. 9.

⁷ *De Civ. Dei*, xiii. 2.

⁸ *De Civ. Dei*, xxi. 26.

⁹ *De Cat. Rud.* 24, 45.

¹⁰ *De Nat. Boni*, 9.

¹¹ *Ps.* xi. 11.

absurd, it being a reasonable supposition that immaterial spirits may suffer the pain of burning, since they will be united indissolubly with their bodies.¹ "But in the world to come the pain continues that it may torment, and the nature endures that it may be sensible of it; and neither ceases to exist, lest punishment also should cease."² Between this kingdom of misery and the kingdom of Christ, there is a distinct boundary: the blessed ones shall contemplate the vision of their Lord,³ and enjoy that true freedom of will, which is the *non posse peccare*.⁴

So much for Divine punishment. Let us pass to St. Augustine's view on human punishment. First of all, what is it that constitutes the right to punish in the case of human beings? He who rules is God's vice-regent, and he ought to inflict his penalties for the sake of duty, and not in a spirit of pride.⁵ It is not the prerogative of man to exact vengeance, but rather to care for the well-being of the delinquent.⁶ While justice considered in the abstract is invariable, nevertheless, at different epochs it will assume different degrees of excellence.⁷ The ruler must always look to the just order of God when he frames his laws, and punish when they are disobeyed. Kings serve the Lord with godly fear when they chastise men who disobey righteous laws,⁸ and fathers of households, in their turn, ought to frame laws so that domestic peace

¹ *De Civ. Dei*, xxi. 10. Perhaps the temperature of the fire will vary as their merits (*ib.* i. 21).

² *Ib.* xix. 28. ³ *De Trin.* i. 13, 30. ⁴ *Enchir.* 105.

⁵ *De Serm. Dom.* II. xix. 66; *Serm.* xxxviii. 20.

⁶ *Epp.* xci. 9; *De Serm. Dom.* I. xx. 63.

⁷ *Confess.* iii. 8, 13. ⁸ *De Correct. Don.* 5, 19.

may flourish in the hearts of those entrusted to their care.¹ The exactly calculated penalty is outside the powers of human reason to determine, and it is better to err on the side of leniency, lest the wrong-doer become hardened, and punishment fail in its objective.² According to God's law, the extreme penalty may be inflicted unless a just law or God Himself ordain otherwise.³

The Church also may discipline her members with a view to curing and counteracting sin,⁴ and her members individually ought to be willing to endure her penalties with patience,⁵ she may despair of no sinner's amendment,⁶ and her members are to teach and rebuke in order that Christ may save.⁷

Both Divine and human punishments are gathered up in theory in one short paragraph under the idea of reward. He classifies rewards as being either of justice, or of mercy, or of injustice. The first two are ideal: the wicked receive evil for evil, everlasting fire; the righteous receive good for good, everlasting life, because, previously, they have been granted the reward of mercy, in that Christ has rendered them good for evil. Rewards of injustice are peculiar to men who, as in the case of the Jews and of Judas by the crucifixion and the betrayal, rendered evil for good.⁸

It is evident, then, thinks St. Augustine, that Platonists have misunderstood the nature of punishment. Without doubt they agree that all sin must

¹ *De Civ. Dei*, xix. 16.

² *Epp.* xcvi. 3.

³ *De Civ. Dei*, i. 21.

⁴ *Epp.* xciii. 6.

⁵ *De Serm. Dom.* I. xx. 66; *Serm.* xxxii. 2.

⁶ *De Mendacio*, 22.

⁷ *Serm.* lxxv.

⁸ *Ps.* cxix. 15.

be punished ; but, in their view, punishment is solely remedial. Some punishments, in St. Augustine's view, are remedial, because the offender recognises his desert, and is constrained to mend his ways. But what of the unrepentant ? Has penalty benefited them ? No : they are worse than before. " All other punishments, whether temporal or eternal, inflicted as they are on every one by Divine Providence are sent either on account of past sins, or of sins presently allowed in the life, or to exercise and reveal a man's graces." And after the final judgment, punishment has no remedial quality whatsoever in the case of the wicked.¹

What can we conclude from a survey of the evidence just presented ? In the first place St. Augustine regards all punishment, in the first instance, as retributive. Punishment is the desert of sin. Adam suffered the penalties of death and moral distortion, and bequeathed this as a heritage to posterity. But God, in His mercy, through Christ, who bears the punishment of posterity, releases part of the race from the kingdom of Satan and the second death : the remainder suffer unceasingly. Those whom Christ chooses, in this temporal life, suffer chastisement for their good ; and then death, though its sting is removed ; and, in the intermediate state, a period of discipline. These three stages of suffering are of desert and for good.

St. Augustine holds a conception of God's moral nature which prejudices his whole theory, for he seems not to have been able to reconcile His justice

¹ *De Civ. Dei*, xxi. 13.

with His mercy.¹ Had he developed the beautiful illustration of the Father whose love is the motive in punishing his little son into a parable of God's dealings with *all* men, he might have seen that mere retribution in itself is unworthy of our Father in heaven.² In spite of his protests that God is always just, he has fallen into a confusion between justice and vengeance. The truth is that justice and love are complementary aspects of holiness—love without justice is approximate to sentiment, and justice without love easily passes into purposeless wrath. Apparently some men are born to be held with tongs over a blazing fire. A newly consecrated bishop is charged: "Be so merciful, that you be not too remiss; so minister discipline, that you forget not mercy," that when the chief Shepherd shall appear you may receive the never-fading crown of glory; through Jesus Christ our Lord." The two qualities are, in these beautiful words, set over against one another—each limits the other. Surely if they are perfectly reconciled in God, His punishments may be at once penalty and means of grace. St. Augustine reserves mercy for the flock and wrath for those who have not been compelled to live within its pastures. "Now the children of wrath God punisheth in anger, whereas it is in mercy He punishes the children of grace."³

¹ And yet he believes that virtue is one. "*Neque enim opere imperitialis libris preterea, aut opere fortitudinis et honoris adhibetur, aut opere civitatis, perquam honestas, aut opere pietatis malis devitantur. Una ibi tota virtus est amare quod vides, et summa felicitas habere quod amas*" (*De Gen. ad Lit.* xii. 54).

² *De Serm. Dom.* I. xx. 63.

³ *De Peccat. Merit.* ii. 25. Cf. Rashdall, *The Idea of Atonement*, p. 339: "If St. Augustine is asked why God creates so much misery

St. Augustine's logic presses him to accept conclusions from which his moral sense revolts: human justice and Divine justice present an antinomy which can be resolved only on the hypothesis of mystery. "St. Augustine regarded predestination as a perplexing mystery, a doctrine which disagreed with our natural ideas of God's justice, and which could only be defended by a reference to His inscrutable and sovereign will."¹ As in the intellectual sphere, human reasoning may be transcended by Divine truth, without being contradicted by it; so, in the moral, God's justice may transcend our ideas of it, and yet not contradict them. The axiom of individual responsibility forbids that God should inflict penalties on us prior to our desert, hence there is a clear distinction between sin and guilt which St. Augustine ignores.

If justice and love are essential attributes of God in the sense that they are, may we say, simultaneous expressions of His character, His penalties may never be spoken of as merely retributive: they will always be dispensed with a view to the reformation of the sinner. Nor will we speak of His punishments as merely reformatory, since they have been inflicted according to merit.

It is interesting to observe the points at which St. Augustine's system of theology, and particularly his theory of punishment, touches the thought of other

and sin and so little goodness and happiness, why He gives grace to one and withholds it from another, he can only answer: Some are saved to show God's mercy, others damned to show the truth of His vengeance" (*De Civ. Dei*, xxi. 12).

¹ J. B. Mozley, *op. cit.*, p. 134.

thinkers. The various aspects of punishment do not become harmonised until Hegel. Retribution and reformation refuse to come to terms; they may be represented by two parallel lines, one of which is now longer and now shorter than the other, and one now more and now less deeply shaded than the other. IRENAEUS, with a strong Johannine background, gives rather more weight to the teaching of the Epistle to the Hebrews and 1 Peter than St. Augustine, and therefore the Fall of Adam (literal) is attended not merely by retribution, and consequent suffering appears not as an unmixed evil. "For man, being endowed with reason and in this respect being like God, is a perfectly free agent, with the power of self-determination, and is, therefore, responsible for the fact that he sometimes becomes wheat and sometimes chaff!"¹ God's "power is made perfect in weakness, so that we should not be puffed up with conceit, as if we had life in ourselves and of ourselves. But learning from experience that it is from His greatness and not of our own nature that we endure unto eternal life, we should neither fall short of His glory nor misunderstand our own nature, but knowing what God can do and what man receives, we should never fail to comprehend aright the relations of God and man. May it not be for this that God permitted our dissolution, that we, being educated in every way, with regard to our future might be carefully instructed in all things, fully realising our own nature and the power of God."² Man is not wholly evil, and has not entirely lost the image which he received at

¹ *Adv. Haer.* iv. 4, 2.

² *Ib.* v. 2, 3; cf. iii. 20, 2.

creation.¹ The protagonists of Irenaeus were Gnostics ; hence he is concerned to acquit God of having caused evil, and holds that we cause our own sufferings, much as Miss L. Dougall in " The Lord of Thought," with Marcionite sympathies, attributes suffering to a " law of consequence." The lofty moral tone of Irenaeus is most marked, especially when he insists that the moral law is objective reality, and is known to all men, whether Jews or Gentiles ;² and when he vindicates the justice of God in the Atonement, the devil being overcome " by persuasion " justly : though Christ was a ransom, the ransom was not, as Bigg wrongly says, paid to the devil.³ The most illuminating passage on punishment is " *Adversus Haereses* " v. 27, 2 : " To as many as keep the love of God He gives His own communion. For the communion of God is life and light, and the enjoyment of the blessings that are with Him. But on as many as depart from God of their own free will He inflicts separation from Himself. But separation from God is death, and separation from light is darkness ; and separation from God means a loss of the blessings that are with Him. But they who have lost these blessings through their own apostacy, inasmuch as they are deprived of every good thing continue in every form of chastisement (*κόλασις*). But God Himself does not directly punish them, but their chastisement follows them in their deprivations. Eternal and unending are the blessings from God ; therefore the loss of them is eternal and

¹ *Adv. Haer.* v. 16, 1.

² *Ib.* iv. 15, 1-2.

³ *Origins of Christianity*, p. 200 on v. 1, 1. Cf. F. R. M. Hitchcock, *Irenaeus of Lugdunum*, p. 171.

unending, just as those who blind themselves, although the light be continuous, continually deprive themselves of the enjoyment of the light. It is not the light that inflicts the punishment of blindness upon them, but their blindness brings them sorrow." On this passage Dr. Hitchcock has an interesting note. Irenaeus "speaks of the punishment of sin as self-inflicted and as of a negative kind, such as the blinding of one's own eyes prevents one from seeing the sun. But in v. 27, 1, he spoke of the *aeternus ignis*, prepared for the devil and his angels, the *ignis inextinguibilis* and the *puna* of the evil, punishment of a positive kind. In v. 28, 1, he combines both forms: '*illis in aeternum ignem misurum* (sc. Verbum Dei), *Semetipsos enim omnibus privaverunt bonis*,' and seems to waver between the popular and materialistic view of punishment and the ethical and spiritual view." Perhaps the verdict will be given by his treatment of the resurrection body: he believes in a literal resurrection of the flesh.¹

TERTULLIAN, also an anti-Gnostic, in spite of his protest that "heretics are themselves equipped by philosophy,"² does not hesitate to borrow from the Greeks, especially from the Stoics, when it suits his purpose. God, and the soul formed by His breath, are material as well as spiritual substances,³ and even Lucretius is quoted to buttress his explanation of the relation of mind and body: "*Tangere enim et tangi nisi corpus nulla potest res*."⁴ The retributive and reformatory aspects of punishment are

¹ *Adv. Haer.* ii. 29, 1; v. 2, 3.

² *De An.* iii. 5.

³ *De Praes. Haer.* vii.

⁴ *De Nat. Rer.* i. 305.

clearly indicated. Dr. Bethune-Baker writes: "God is the lawgiver before whose authority man must bow in unconditional obedience. His will is set before men in the Old and in the New Testament (both of which Tertullian styles *lex*), and in the order of Nature, as also in the ecclesiastical discipline and in the tradition. Herein, from these sources of knowledge, can be found what is pleasing to God and what is not pleasing but forbidden. To 'satisfy' or content God is to do what is pleasing to Him, and not to do what is forbidden. Otherwise a sin is incurred. No recourse to the indulgence of God is admitted here. But men are always falling into sin, and each sin incurs guilt, and God in accordance with His righteousness must take vengeance, must exact punishment. (Baptism washes away inherited and all sins actually committed by the individual before baptism, but after baptism a man must do God's will—must 'satisfy' God—or he ceases to be a Christian.) The punishment, the suffering which is due for sin committed, man can take voluntarily upon himself. It is accepted by God as equivalent to the fulfilment of the law, and in this way man can *in effect* fulfil the law and escape God's punishment. The *satisfactio* may be accomplished in various ways—e.g. by bodily castigation, by fasting, by voluntarily stripping oneself of wealth in order to give alms and endure poverty, and especially death in martyrdom. All such satisfying suffering is a debt due to God, by which the deficit on man's part is balanced. . . . It is an expiatory sacrifice, and the amount of sacrifice required is in exact correspondence with the offence. . . .

The religious motive which prompts us to acquire merit with God is furnished by the hope of temporal and eternal reward on the one hand, and the fear of temporal and eternal punishment on the other hand: of both of which—reward and punishment—there will be various grades, proportioned to the merit or guilt acquired here."¹ It is to be observed that Tertullian does not use the expression "satisfactio Deo" of the death of Christ.² His peculiar contribution to the problem of suffering is mentioned by Dr. Kidd. "If, then, God be charged with being the author of evil, he replies that 'we distinguish between the two meanings of the word in question: and, by separating evils of sin from penal evils, *mala culpæ* from *mala pœnæ*, confine to each of the two classes its own author—the devil as the author of the sinful evils, and God as the creator of penal evils: so that the one class shall be accounted as morally bad, and the other be classed as the operations of justice passing penal sentences against the evils of sin.' Of the latter class of evils which are compatible with justice, God is therefore avowedly the creator" (Tertullian *Adv. Marc.* ii. 14).³ He shows strong affinities with the Greeks in "De Anima," xvi., where before the Fall man is said to be rational, and henceforth is said to have an irrational soul, composed of two elements, the spirited and the appetitive. This second and acquired nature man must rationalise. On the other hand he protests strongly against the transmigration of souls, as being

¹ *Introduction to Christian Doctrine*, p. 354.

² See Harnack, *History of Dogma*, E.T., ii. 294.

³ *A History of the Church*, i. 324.

a phase of God's retributive justice, on the grounds that the souls of men and animals differ in substance, and also, because, as Dr. Pringle-Pattison recently insisted in "The Idea of Immortality," "if souls undergo a transformation, they will actually not be able to accomplish and experience the destinies they shall deserve; and the aim and purpose of such judicial recompense will be brought to nought, as there will be wanting the sense and consciousness of merit and retribution."¹ The pig cannot recall those gluttonous habits which have brought about its condition.

CLEMENT. If the Apologists illustrate from Greek philosophy, the Alexandrians are less suspicious, and deliberately weave it into the Christian system. Clement says: "Perchance, too, philosophy was given to the Greeks directly and primarily, till the Lord should call the Greeks. For this was 'a schoolmaster to bring' the Hellenic mind, as the Law the Hebrews, 'to Christ.' Philosophy, therefore, was a preparation, paving the way for him who is perfect in Christ."² Hence the Christian faith assumes an intellectual element which is superior to the grasp of faith. "Faith, then, is a compendious knowledge of the essentials, but knowledge is a sure and firm demonstration of the things received through faith, being itself built up by the Lord's teaching on the foundation of faith, and carrying us on to unshaken conviction and scientific certainty."³ Love for God, nevertheless, transcends intellectual knowledge.⁴ Such a rational background for the Christian faith leads him to identify

¹ *De An.* xxxiii.

³ *Ib.* vii. 10, 57.

² *Str.* i. 5, 28.

⁴ *Ib.* vi. 13, 105.

sin with ignorance. "It should be observed that forgiveness in Clement's mind signifies not merely the cancelling of a penalty, but the cure of that ignorance which is the cause and strength of sin."¹ Punishment therefore is reformatory. "God does not take vengeance (for vengeance is a retaliation of evil), but He chastens with a view to the good, both public and private, of those who are chastised."² "He chastises for three causes, all of which have a disciplinary end. He chastens for the sake of the man who is chastened, that he may rise superior to his former self; He chastens by way of example to others, that by such admonition they may be driven back from sin before sinning; and in the case of the man who has suffered wrong, He chastens the wrong-doer that the wronged person may not become an object of contempt and a fit subject for being wronged."³ Modern writers often emphasize this third end in punishment when they say that punishment by the State gives public expression to the moral emotions of the community. Clement, however, lays stress on the justice as well as on the goodness of God, and he does not look upon Divine punishments as arbitrary. Thus there is a retributive element in his reformatory theory.⁴ "The economy of God is just."⁵ "When we sin God does not set justice aside."⁶ "Those who are more hardened," he says, "are constrained to repent by necessary chastisements, inflicted either through the agency of the attendant angels or through various preliminary judgments or

¹ Bigg, *Christian Platonists*, p. 104; *Ecl. Proph.* 15.

² *Str.* vii. 16, 102.

³ J. Patrick, *Clement of Alexandria*, p. 91; *Str.* iv. 24, 154.

⁴ Cf. *Str.* v. 14, 141. ⁵ *Str.* iv. 12, 87. ⁶ *Paed.* i. 8, 71.

through the great and final judgment, by the goodness of the great Judge whose eye is ever upon us.”¹ Further, in speaking of the incurable, he believes that the law puts them to death lest they should corrupt others,² and, to the wrong-doer himself, this can only be the expression of the retribution of the moral order. Repentance, however, is possible after death,³ and in the heavenly mansions there are degrees of reward corresponding to degrees of merit.⁴ Of the destiny of the mere man of faith who has not become a true gnostic he writes: “The man of faith is distressed yet further, either because he has not yet attained, or not fully attained, what he sees that others have shared. And, moreover, he is ashamed because of the transgressions which he had committed, which in truth are the greatest punishments to the man of faith. And though the punishments cease, as a matter of fact, at the completion of the full penalty and the purification of each, those who have been deemed worthy of the ‘other fold’ have the greatest abiding sorrow, the sorrow of not being along with those who have been glorified because of righteousness.”⁵ He teaches that “fire sanctifies, not flesh, but sinful souls, understanding by fire not the all-devouring flame of common life, but the discerning flame which pierces through the soul that walks through fire,”⁶ rejecting belief in material torments.⁷

ORIGEN. Had Origen been more careful in the use of his dictum about the relation of Christianity and philosophy, we should have been saved from much

¹ *Str.* vii. 2, 12.

² *Ib.* i. 27, 171.

³ *Ib.* iv. 6, 37.

⁴ *Ib.* vi. 14, 114.

⁵ *Ib.* vi. 14, 109.

⁶ *Ib.* vii. 6, 34

⁷ See the writer's study in Clement, *The Church Quarterly Review*, April 1925.

fruitless speculation. "Philosophy is neither at variance with the law of God at all points, nor in harmony with it in all."¹ He rejects Stoic materialism and Platonic transmigration, but he holds that in the Atonement the Soul of Christ was paid as a ransom to the devil, and believes that there was "a deception practised on the devil, a conception first found among the Basilidians."² The Fall is pre-natal. "According to this conception sin is a matter of necessity in the case of fallen spirits; all men are not with as sinners and are so, for they were already sinners. Sin is rooted in the whole earthly condition of men; it is the weakness and error of the spirit from its origin. The idea of freedom, indeed, is supposed to be a feature which always preserves the guilty character of sin; but in truth it becomes a mere appearance; it does not avail against the constitution of man and the sinful habit propagated in human society. All must be sinners at first, for this is as much their destiny as is the doom of death which is a necessary condition of man's material nature."³ The creation of the world is due to pre-natal sin, and in this penal condition God disciplines us for good. "The Lord God expelled Adam from Paradise and planted him in this earth. This was the [re]condemnation of his sin, which without doubt has extended to all men. For all of us have been set in this place of humiliation, this valley of tears, whether because all Adam's descendants were in the first father's leav and banished with him, or because each one is thrust out of Paradise in some other

¹ *In Gen. Hom.* xiv. 3.

² Harnack, *op. cit.*, ii. 367.

³ *Ib.* ii. 365.

way ineffable and known to God alone." ¹ At length all souls, even the devil, will be purified, and return to the Spirit whence they have their being. Thus the reformative aspect of punishment is foremost, though in "De Princip." ii. 10, 6, he combines with it the retributive: "To understand now, that in the same way in which physicians apply remedies to the sick, in order that by careful treatment they may recover their health, God so deals with those who have lapsed and fallen into sin, is proved by this, that the cup of God's fury is ordered, through the agency of the prophet of Jeremiah, to be offered to all nations, that they may drink it, and be in a state of madness, and vomit it forth. In doing which, He threatens them saying, That if any one refuse to drink, he shall not be cleansed. By which certainty it is understood that the fury of God's vengeance is profitable for the purgation of souls. That the punishment, also, which is said to be applied by fire, is understood to be applied with the object of healing is taught by Isaiah (x. 17)." The inevitable penalty of remorse which we heap up for ourselves is well described in "De Princip." ii. 10, 4: ". . . when the mind itself, or conscience, receiving by Divine power into the memory all those things of which it had stamped on itself certain signs and forms at the moment of sinning, will see a kind of history, as it were, of all the foul, and shameful, and unholy deeds which it has done, exposed before its eyes: then is the conscience itself harassed, and pierced by its own goads, becomes an accuser and a witness against itself. . . . From which it is understood that around the substance

¹ *In Rom.* v. 4.

of the soul certain tortures are produced by the hurtful affections of sins themselves."

JOHN SCOTUS ERIGENA is the boldest and most original thinker until the period of Scholasticism proper. Although owing much to St. Augustine, his study of Dionysius the Areopagite led him to reject the double predestination theory of Gottschalk. He goes behind the Neo-Platonism of St. Augustine as it went, to Neo-Platonism itself, holding that religion is identical with philosophy, and authority identical with reason. His system falls into four clearly defined strata, enfolded within a movement and counter-movement of *resolutio* and *reversio*. First, there is that which is not created and yet creates, namely, God, Who can be described only in negative predicates; second, there is that which is created and creates, namely, the world of ideas of Plato, or the intelligible world of Plotinus, or the Word and Son of God; third, there is that which is created and does not create, namely, the world of finite and sensible existences, brought into being by the operation of the Holy Spirit on the second degree of reality; last, that which is not created and does not create, namely, the finite realm returned to its source and end. Here Erigena conceives all that has arisen from the One, whether ideal or sensible, as having accomplished its destiny. In time and space, as it were, all things are theophanies of God; but at the consummation of His purpose they are considered to be one with Him, and perfectly interpenetrated with the Divine nature. In that day finite particulars will be found in a perfectly symmetrical system arranged according to genus and species, each knowing according to its capacity,

even as it is known. In the second strata, however, there is no "idea" of evil, which is said to be merely a privation of good, just as vice is a partial manifestation of virtue. Therefore both the sins of men and their punishments are unknown to God. "Divinus itaque animus nullum malum nullam malitiam novit. Nam si nosset, substantialiter extitissent, neque causa carerent. Jam vero et causa carent, ac per hoc in numero conditarum naturarum essentialiter non sunt, ideoque omnino divina alienantur notitia." ¹ Sin automatically brings its own punishment, which is separation from God and the fullness of destiny. "Nondum clare perspicias, ut opinor, Deum nullam creaturam, quam fecit, punire, nec in humana, nec in daemonum substantia; sed quod non fecit, in omnibus punit, hoc est irrationabiles perversae voluntatis motus." ² The Incarnation is not so much a historic fact, as the progressive revelation of truth, the eternal relation between God and His creation, in man and in all forms of nature. All that exists in God's theophany. This progressive revelation will be consummated at the restoration of all things, when we shall know even as we are known. In our Father's House are many mansions designed to receive not only the saints who have earned fullness of life in Christ but also for all souls, since there remains even to the wicked a "natural good" which cannot be taken away.³ Thus, as Miss Gardner says, "if evil is only *apparent*, the victory of good consists only in the clear manifestation of the good as being alone possessed of reality. This is practically asserted by Scotus when he speaks of the moment of final consummation

¹ *De Div. Nat.* v. 27.

² *Ib.*

³ *Ib.* v. 23, 36, 38.

as the time of the appearance of truth — "illa die, hoc est in apparitione veritatis" (*ib.*, v. 12) ¹ 4. In the world to come, punishment is spiritual, and consists in the memory of past deeds, and the incapacity to enjoy a fuller degree of revelation, but the innate capacity for goodness, which has not been forfeited, will grow and develop until God is all in all ². There will be no *miseria* there, but there may be the godly sorrow of *tristitia*, which is not an evil, and the imperfect souls will take no pleasure in their wickedness. "Quis verbis potest exprimere quantum interstitium est inter lætitiā et tristitiā, etiam in hac vita, quanto magis in altera, in qua nulla tristitia sequitur iustorum lætitiā, neque ulla lætitia sequitur impiorum tristitiā, divina sapientiā dignas singulis incommensabiliter attribuentē retributiones!" ³

By the allegorical method of interpreting Scripture, John Scotus tries to harmonise his views of sin with the Genesis account of the Fall. Paradise represents a pre-natal state in which man was, as far as his nature permitted, a perfect likeness of his Creator, and enjoyed His communion in company with the angels. But he elected to leave his dignity, being guilty of the sin of pride, and so passed into the space and time order, where he was tempted by the devil ⁴. In Eden, Adam represents reason and Eve the irrational element in human nature. The words, "And thy desire shall be to thy husband, and he shall rule over thee," really signify the ultimate triumph of the best element in human nature, namely reason, which is man's best

¹ *Studies in John the Scot*, p. 100.

² *De Div. Nat.* v. 23, 27, 28, 29, 31, 38.

³ *Ib.* 36.

⁴ *Ib.* v. 1; ii. 6-7.

theophany, and is never entirely lost. This element will gradually work its way up to the assertion of its rightful authority, and all men will come to a knowledge of the truth. The soul comes from God, and to God it is predestined to return. "The first evil could not be perpetual, but by the necessity of things must reach a certain bound and one day vanish. For if the Divine goodness which ever worketh not only in the good but also in the wicked, is eternal and infinite, it follows that its contrary will not be eternal and infinite. . . . Evil therefore will have its consummation and remain not in any nature, since in all the Divine nature will work and be manifest. Our nature then is not fixed in evil; . . . it is ever moving, and seeks nought else but the highest good, from which as from a beginning its motion takes its source, and to which it is hastened as to an end."¹ The return of all souls to the Blessed Source is guaranteed by the Incarnation, in which the Word is said to have taken human nature *in its substance*; ² so that what He did has been done by us proleptically. His resurrection is the earnest of the dissolution of our mortal and material bodies, which will be exchanged for spiritual bodies such as we had before the Fall; ³ and therefore also of our release from the penal condition within which we now live.

Strangely enough, Erigena lays greater emphasis on retributive punishment than we should expect from a thinker in sympathy with Neo-Platonism of

¹ *De Div. Nat.* v. 25; cf. R. L. Poole, *Medieval Thought and Learning*, p. 55.

² *De Div. Nat.* ii. 6.

³ *Ib.* ii. 49; v. 20.

the Dionysius type. According to his teaching, we recede from God's presence and become ignorant and unreal in exact proportion to the degree of our self-will. His teleology and optimism ought to have led him to connect this penalty in some way with our restoration and redemption. One would have thought that death, since it is the remission of a penalty, ought to come quickly to the good, and slowly, if at all, to the evil. Death ought to happen according to merit. Again, if a soul be removed from God, it needs abundant grace wherewith to effect its return. But if God does not know of its separation from His fellowship, it is difficult to see how its reformation can be effected. The truth is that Eriugena, having denied that God can know anything of our wretchedness and nothingness, is committed to the view that self-wrought punishment must be proportionate to sin. But he has, thereby, adopted a position which leaves no room for the reformatory character of punishment. The sinner cuts himself off from the very grace he needs, and the greater his sin, the greater is his need of the Father's grace. If God knows not the sins of the sinner, how can He effect their salvation? Eriugena's system reaches the Divine far-off event too easily because, although he does mention the sacrifice of Christ,¹ he stresses the Incarnation as a process of restoration, and does not see its culminating point on the Cross, where Christ, by an act of will, gained the victory over sin. And while he holds to the freedom of the will, and the individuality of souls,² he does not show how they are led to choose to be with Christ.

¹ *De Div. Nat.* v. 36.

² *Ib.* v. 20.

CHAPTER IV

ST. THOMAS AQUINAS AND PUNISHMENT

IN our treatment of the theory of punishment, we are attempting to give due consideration to the absoluteness of God's eternal will for His children, and to the facts of sin and crime. Wrong-doing is wrong-doing, because it is the doing of something that ought not to be done ; and whatever the immediate ground of the " ought " may be, its ultimate ground lies in its origin, God. In contradiction to the law there stands the lawless act, which, by punishment and grace, God would render impotent. His purpose penetrates so far that it provides, over and above the means necessary for its realisation by human beings, the extra means for its realisation by those who have spurned it. To will an evil act in God's good world implies the consequent creation of circumstances that may, in God's grace, issue in repentance and restoration. Sin entails punishment ; and punishment may, and can, effect the orientation of the sinner's interest. Here, indeed, is a teleology that works against apparent disteleology. Truly, all things work together for good to them that love God.

Let us hope that no apology will be required for reviewing the mind of St. Thomas on our problem.

Whatever may be urged against the delicate subtleties of scholasticism, leading as they do sometimes to wearying and profitless mazes of speculation, in St. Thomas we have a thinker who has grasped the meaning of the Incarnation. Aristotle and St. Augustine were his masters; but Jesus Christ, Pre-existent, Human, Ascended, was his Lord. In his hands the teleology of Aristotle was given a wider scope, and, while grace is as cardinal as we saw it to be in St. Augustine, his treatment invests man with a dignity and responsibility we miss in that Father, and deals a severe blow to Manichæism. "Bonum est quod omnia appetunt." Aristotle may have reasoned it out; St. Augustine did not dare to say it; St. Thomas knows it. "The theodicy of the thirteenth century is one of the most powerful assertions of theism to be found in all history."¹

Truth is one. What is true in religion cannot be untrue in metaphysics; the realms of grace and nature do not contradict one another. St. Thomas vindicates this view stoutly. It is simply a question of the point of view from which truth is seen. Revelation takes in a certain length, and, provided speculation does not contradict its truths, we may advance freely as far as the natural reason will take us. But within the limits of revelation itself reason may move freely, explicating, where it can, the truths known by faith. Hence the arguments of the theologian and the philosopher meet "like rays of light which are sent out from distant foci and are received

¹ M. de Wailly, *History of Medieval Philosophy*, E.T., 3rd ed., p. 329.

on the same screen ; but they are no more confused than—in our comparison—the luminous sources are confused.”¹ Hence we shall not attempt to justify an ethical theory, such as that before us, on a mere “value-judgment” : moral considerations will have their doctrinal and philosophical setting and will appear rather as rational and intellectual values. Aristotle may be pressed into the service of Christ, Who is not only the Way but also the Truth and the Life.²

How does St. Thomas conceive the relation of God to the world, and, more particularly, to man ? Both relations turn on the meaning of the concepts matter and form, or potential and actual, with which they are equated. The things of this world are an admixture of indeterminateness and determinateness ; nothing can exist without some principle of individuality and intelligibility which determines its nature ; and, on the other hand, there must be a potentiality or indeterminateness to suffer such determination. The higher the form, the higher will be the substance in the scale of being : a lion is higher than a stone, because in the former the matter has greater potentiality raised to actuality. Lower stages may pass into higher, if the matter in question is capable of being “informed” by a higher form. In this way change is possible, which will, in many cases, be growth. In our world the highest substantial reality is man, whose form is soul and whose matter is body. His soul, which comes from God,³ gives his body life and is the measure of his perfection. Being a rational soul, it places him in the genus of those

¹ M. de Wulf, *Philosophy and Civilisation in the Middle Ages*, p. 153.

² *S.T.* i, q. 1, 1.

³ *Ib.* i, q. 75, 6.

creatures who may enjoy the knowledge (*ratio*) and love (*delectatio*) of God.

Limited things, such as ourselves and the things we find around us, presuppose an Existence unlimited. Form, and matter which circumscribes it, depend upon a Form which is perfectly actualised. This Form will be the pivot of all limited existences. From it they will draw their being, their power to ascend in the scale of being, and their destinies. God is, then, the Creator, the Governor, and the Destiny of all things in their several orders. From Him all derives, and to Him all tends. There is no end before Him, since His essence simply communicates His own perfection and goodness in the measure that each created thing can receive.¹

In God's mind there is mapped out the whole plan of creation, so that He may be called the First Exemplar.² All things participate in Him and reveal His essence. All things are His effects, and must betray something of their cause. The creatures of the sub-human creation must, therefore, bear a trace of the Trinity. They are specific and determined existences, and represent the Absolute existence of the Father; they are form and species intelligibly connected as the Son proceeds from the Father by an internal procession and remains one with Him; they are in relations of order with other things and represent the Holy Ghost who is Love.³ Men bear a closer resemblance to the Trinity. Being rational creatures, they are possessed of both intellect and will, which enables them to reflect the procession of the Word

¹ S.T. i, q. 44, 4 ad 4. ² Ib. i, q. 44, 3. ³ Ib. i, q. 45, 7.

and the Holy Ghost.¹ They have been made in God's image, and are therefore good by nature, even though in knowledge and power they function potentially compared with their glory that shall be.²

But, this world being one of variety, things will differ in proportion to the excellence of their functions.³ Variety implies the higher and the lower, the better and the worse. And the variety is not by chance: it is pre-ordained, and the different elements fit into one complex whole of striving towards God.⁴ Hence we must speak of evil in negative rather than in positive terms: evil is privation of form and is inevitable in a world of variety. "L'univers s'établit, ainsi que nous l'avons dit, par épanouissement du Souverain Bien, et en vertu de participations échelonnées dont chacune exprime Dieu à sa manière; dont chacune est donc bonne, fût-elle même déficiente. Mais il faut ajouter—et c'est ici que gît la solution du problème: Il est meilleur qu'il y ait des natures ainsi faites. Sans elles, la manifestation du divin serait moins riche; car nous l'avons fait voir à propos de l'inégalité, chaque nature, comme telle, quelque inférieure qu'elle soit, comporte un bien *sui generis* que nul bien ne saurait suppléer, et qui était donc dû à l'univers, étant donné le degré de bonté que lui destinait la Sagesse suprême."⁵ Evil is privation rather than negation; the fact that a stone cannot see is not a privation, because to see is not of the function of a stone; but blindness is a privation because it is the

¹ S.T. i, q. 45, 7.

² *Ib.* ii, 2, q. 103, 2.

³ *Ib.* i, q. 44, 1.

⁴ *Ib.* i, q. 47, 1, 2.

⁵ A. D. Sertillanges, *S. Thomas D'Aquin*, tome i, p. 320.

result of the failure of the eye to fulfil its proper function¹. The eye fails to see because some other form, say that of fire, whose excellence is to burn well, has interfered with its form. In this way good may be said to be the cause of evil. Not that good produces evil, but rather that evil is an accidental result of good². It is difficult to see how form can clash with form, if forms are ordered to one another and to their Final Cause, unless juxtaposition of conflicting forms is brought about by appetitive souls that mistake some accidental good for a real and abstract good. The theism of St. Thomas seems here to be too thorough-going.

However unsatisfactory St. Thomas may be in interpreting evil in nature, he is more at home in the problem of sin, which is evil in the will. We should have expected him to provide us with a world-order as regular as clockwork; but his psychology leaves it an open question whether man will sin or not. This psychology, with certain important modifications, comes from Aristotle, and it will be well to approach it in the light of its origin. Teleology has been shown to lie behind the order and diversity in the world; it will now explain man's nature and destiny.

¹ *S.T.* i, q. 48, 3.

² *Ib.* i, q. 49, 1. For the view of Aristotle see W. D. Ross, *Aristotle* p. 178. "There is no evil apart from particular things. Evil in other words is not a necessary feature of the universe but a by-product of the world-process, something that casually emerges in the course of the convergent of individual things to reach such perfection as is open to them, and thus to approximate as nearly as they can to the divine life - to become immortal as far as they can." That they to a large extent fail is due to matter or necessity, but this is not an evil principle, but a principle wholly indifferent to good and evil."

Aristotle teaches that the human soul is both irrational and rational; it shares something with the animal soul, and yet is distinct from it. On the one side it is nutritive and sensitive soul: on the other it is rational soul. On the animal side it has the power to digest food, to reproduce its kind, to perceive, to experience pleasure and pain, and to desire. Its specifically human quality of reason, which is its final cause, enables it to desire its own specific good, namely, contemplation of the highest reality, or "the worship and contemplation of God."¹ The human soul is therefore moved by desire, which may be either rational or irrational, and only in the first case does man fulfil his function. As a merely animal soul he seeks pleasure and avoids pain; as a rational soul he desires the good *per se*. One element desires an apparent good, the other desires absolute good. The former has no scale of goods in the ethical sense; this is supplied by the latter, which may be said, therefore, to regulate the merely natural feelings and desires. In this way the irrational sensitive element may be said to partake of reason.² Thus the soul will have two virtues: the moral virtues, such as courage and temperance, which are really good habits formed by wise and prudent control of irrational desires; and there will be the intellectual virtue, which consists in the pursuit of truth for its own sake. Reason will supply the rule in accordance with which the wise man will determine the mean between extremes. Moral virtue is possible, in the first place, because

¹ W. D. Ross, *op. cit.*, p. 234; *Eudemian Ethics*, 1249, b 20.

² *Nic. Eth.* i. 13.

man has a body; and, in the second place, because he has a divine element which searches out the principle by which the body is to be ruled.¹ Man's happiness may be said to be co-extensive with his powers of speculation.² His life is supposed to be a continuous development of potentiality in accordance with an ideal of reason, whereby all his powers are brought into the service of working out his destiny in the great striving world. Nor does he strive *in vacuo*: others endowed with similar potentialities strive side by side with him in a common community. He is a social and political animal: the State arises from the nature of things, and is not simply a utilitarian product.³ Moral virtue finds its appropriate environment and sphere of development in society, and intellectual virtue is advanced by the contact of mind with mind. Developing man has the outward and external law of the state, and the internal law of reason, as norms of living, the latter being related to the former as form is to matter.

St. Thomas also teaches that soul is the form of body; but it is no longer of necessity united with body as Aristotle taught.⁴ In Aristotle the form of the body could not exist without some material embodiment; together they compose a substance; whereas St. Thomas

¹ W. D. Ross, *op. cit.* p. 141. "The right rule is a rule reached by the deliberate assents of the practically wise man, and telling him that the end of human life is to be best attained by certain actions which are intermediate between extremes. Obedience to such a rule is moral virtue." *Nic. Eth.* vi. 1.

² *Nic. Eth.* x. 8.

³ *ib.* viii. 12. Cf. Grant, *op. loc.* "In point of time the family is prior to the state, but in point of idea (p. 72) and essentially (*dearii*) the state is prior."

⁴ *S.T.* i, q. 76, 1 ad 4.

is careful not to prejudice his religious interest, and speaks of the soul as a substantial form in itself. When separated from the body it will continue to exist: it is a form, and a form cannot be separated from itself.¹ "Breaking with Aristotle, scholasticism attributed immateriality not to the active intellect or to a faculty of the soul merely, but to its very substance; and since immortality has for its intrinsic foundation the immateriality of our intellectual cognitions, and of our volitions, what will survive the body is not the active intellect, sterile in its isolation (Aristotle), but the soul in the full enjoyment of its conscious life and the full exercise of its higher activities."² St. Thomas is so certain of the nature of his *Actus Purus* that he is able to give a new meaning to the rational soul; and thus man has a greater value than Aristotle could know. He takes over the latter's irrational soul, and speaks of the nutritive soul (*anima vegetativa*) and the sensitive soul (*anima sensitiva*); but to the rational soul (*anima rationalis*) he gives a totally different meaning. Rational soul had, no doubt, been "from without" and would exist after death,³ but merely impersonally, and without taking on the impress of things done in the body. "Intuitive thought and contemplation, then, die away through the destruction of something else within (the body), but are themselves impassible.

¹ *S.T.* i, q. 75, 6.

² M. de Wulf, *History*, p. 340. See W. D. Ross, *op. cit.*, p. 132: "Nor can the soul exist disembodied — though here Aristotle makes a reservation in favour of the highest element in the human soul, the reason, which, as it 'comes in from outside,' exists too after the body's death, though whether in an individual form or merged in some wider spiritual unity, Aristotle does not say."

³ *S.T.* i, q. 118, 2 ad 2.

But reasoning, and loving or hating, are affections not of reason but of its possessor, in so far as he possesses it. Hence when he perishes there is neither memory nor love; for these belonged not to reason but to the composite being which has perished; reason is doubtless something more divine and is impassible.¹ In the light of that passage it seems clear that Aristotle here means that memory does not survive death.² By means of the conception of the rational soul as a substantial form produced by God (*ad quem per creationem a Deo*), St. Thomas is able to regard it, shall we say, as a person. When its connection with the body ceases it will have taken to itself the warp and woof of its earthly career. During its connection with the body it abstracted the intelligible species (*speciem intelligibilem*) from sense material,³ and when it has been separated from the bodily organism, these intelligible species remain in their subject.⁴ Thus the habits of knowledge are not separated from the knower; and intelligence and will belong to the soul as their subject.⁵ While memory, as the recollection of a past experience, is impossible, there being no longer the corporeal instrument to make this possible, memory as the preservation of the intelligible species remains.⁶

¹ W. D. Ross, *op. cit.*, p. 152; *Met.* 408, b 24-30. Cf. G. S. Brett, *History of Psychology*, 1, 154: "While Aristotle's idea of God is not that of 'divine' in the modern sense of the term, he continually asserts that the active reason is 'divine,' 'godlike,' 'eternal,' 'unmixed and free from all admixture,' so that (just as he says of God he says also of the soul. . . . The only decisive point in Aristotle's theory is that the pure reason part is immaterial— that is to say, free the belief of Aristotle that the soul is not a mixture of substance, not a mere outgrowth of sensations and thoughts as a whole."

² *Ib.* i, q. 89, 6.

⁴ *Ib.* q. 77, 8.

³ *S.T.* i, q. 79, 4.

⁵ *Ib.* q. 79, 6 ad 2.

The human soul is, then, irrational and rational; and again, as Aristotle taught, in each element it is appetitive. Irrational desire it has in common with the animal creation, but its peculiar function is its power of rational desire. Desire, whether it be the lower or the higher, is always directed towards a good, because appetitive life, in whatever form it may exist, is governed by the necessity of fulfilling its own peculiar nature, which is, *ex hypothesi*, good.¹ A mere animal soul reacts towards something presented to the senses as a concrete good: it is aware only of the particular and the contingent, which it seeks naturally and necessarily. But man, by his power of abstracting the good from a particular, sees in it the good which it contains. He is moved to choose it because he knows the good in it.² He is appetitive after his kind, and therefore his choice will be governed by an intellectual judgment. His desire is intellectualised desire: and this intellectual-appetitive element constitutes his *ratio*.³ "Even the man who hangs himself is yielding to inclinations which he believes will issue in his benefit. But this illustration only shows that one should pursue one's good according to rational judgments, and follow where they lead him, without letting himself be deceived by appearances."⁴ Rational desire is thus always for good, namely, happiness, but the judgment upon which it is based may be erroneous. This is a

¹ S.T. i, q. 79, 5, 1.

² *Ib.* q. 80, 2 ad 2.

³ K. E. Kirk, *Principles of Moral Theology*, p. 39. *Voluntas* means strictly "the power . . . of tending towards a recognised end . . . the maintaining of a purpose. In this strict sense, will and rational desire are synonymous."

⁴ M. de Wulf, *Philosophy and Civilisation*, p. 224. Cf. St. Aug., *Enchir. de Fide*, xii. 13: "*Quid est malus homo, nisi malum bonum?*"

free choice and is not determined.¹ Will would necessarily be determined, if the judgment upon which it acted were infallible: but such knowledge is granted only by Divine Wisdom.

Morality thus arises because of the superior endowment and consequent superior function of man. He does not simply react to environment, as if his life principle were irrational: he knows the nature of the action which is moral as a free action, and he knows the end which it subserves as the good. Hence, by intellect and will, he rules the merely sensitive appetitive element in his make-up: the superior appetite commands the inferior appetite. Intellect, having understood the good, moves the will to realise it: but since the intellect is no subjective faculty it remains to determine the principles by which it apprehends the good. Mere morals thus pass into metaphysics and religion to secure a basis for the moral law.²

Intellect and will are subject to a government whereby they are perfected and made like unto God their Source and End. And this government is ordered by a particular aspect of the *lex aeterna*, which determines all things, animate and inanimate, towards the good. First, it is said to be natural law (*lex naturalis*), because it is of man's very nature that he should be conscious of the law which determines his conduct as a means towards his end.³ Secondly, it is said to be human law (*lex humana*), in that it is adapted to control various social communities of different times and different places. Natural law does not cover all possible cases, and is supplemented by human law,

¹ S.T. i, q. 82, 2 ad 3. ² *Ib.* q. 82, 4 ad 3. ³ *Ib.* i, 2, q. 91, 2

which may be derived from it, and which it may not contradict.¹ Without the environment of the community, making laws and inflicting punishments, natural law of itself would be insufficient to ensure moral development.² And whereas Aristotle made the good of the individual subservient to the good of the State, St. Thomas takes the opposite view, and looks upon the State as a means whereby man may become a good man. "Now, since the group exists only for the benefit of its individuals, the good of the group will not be of any other kind than that of the individuals. Thus St. Thomas says: 'The end of the group is necessarily the end of each individual who composes the group,'—*oportet eundem finem esse multitudinis humanae qui est hominis unius* (*De Regimine Principum*, lib. 1, cap. 1)."³ The law of the State will then be drawn up for the purpose of ministering to the good of its members,⁴ and this will be effected the more closely it follows *lex naturalis*, which reflects *lex aeterna*. A law which would disregard the nature of man would be unjust and contrary to the nature of law, and might be called a corruption rather than a law.⁵ In fact, the community itself, or some one to whom it has delegated authority, makes the laws: in either case the law is the law. Lawgivers, then, represent the will of the people, and the people participate in *lex aeterna*, and thus the sovereignty of the State

¹ S.T. i. 2, q. 91, 3 ad 3.

² *Ib.* q. 95, 1.

³ M. de Wulf, *Philosophy*, p. 228: "This conception is at once new and medieval. . . . For Aristotle the prime duty is to be a good citizen, and to increase one's civic virtue. But for the scholastic philosopher the prime duty is to give life a human value, to be a good man, and the state should help each of its members to become such."

⁴ S.T. i. 2, q. 90, 2.

⁵ *Ib.* q. 95, 2.

is from God. "As for social life, it has its reason proximately in the nature of man and ultimately in the will of God; but man is free to fix and arrange, according to circumstances, the manner of delegating and exercising authority."¹

Legislation is not to be of a grandmotherly nature. Those who make laws, having an eye to the common good, will not issue regulations to cover every possible case of human action. They will think of the general rather than of the particular, and they will not legislate in the interests of one class.² Citizens obeying such laws are really acting in accordance with the voice of conscience; and if laws require actions contrary to the common good or to the commands of God, they must not be obeyed.³

But law as natural and human has to be supplemented by a higher law. In the first place, natural law is concerned with man's interests here below: it is not concerned directly with his good in the world to come. *Lex divina* will show him his ultimate good, which is *eterna beatitudo*, and will provide him with the necessary conditions for its realization. Again, human law varies in various places, and man must be in no doubt as to the highest values in life. In the third place, human laws look on the outward act, while religion is concerned with motives. Accordingly, human law is limited of necessity in its scope; whereas religion is concerned with every act and moment of human life.⁴ Divine law is at once more exhaustive and more searching. It embraces all things necessary

¹ M. de Wulf, *History*, p. 342.

² *Ib.* q. 96, 4.

³ S.T. i. 2, q. 96, 1; 3 ad 1.

⁴ *Ib.* q. 91, 4.

for our salvation. It is concerned with determining our relations towards God rather than towards men.¹ His judgment will sift and punish every sin.² But while this law makes great demands, it is not a mere external code exacting the impossible, it itself supplies to the faithful in Christ the power to realise it.³ And the man who obeys this *lex non scripta* is a free man, because he elects to do good by the guidance of a principle within infused by God.⁴

The teaching of St. Thomas on grace introduces us to the main difference between his practical system and that of Aristotle. Both agree that man is potentially good, in that nature has endowed him with certain natural habits. The Christian thinker takes over Aristotle's cardinal virtues, prudence, justice, temperance and fortitude, which, after the manner of Plato, he relates to the four elements of the soul concerned with good and bad, namely, the intellectual, the higher affective, the spirited and the concupiscent, recognising that men outside the Christian dispensation have a natural light of reason in the sphere of morals involving perfection up to a certain point. But, in the first place, these cardinal virtues are re-orientated by being treated as a means towards the Christian *summum bonum*. Fortitude, for example, is no longer limited to the field of battle, but is directed to dangers which threaten the soul, whose destiny is *beatitudo*.⁵ *Sunt in omnibus aliqui*

¹ S.T. i. 2, q. 100, 2.

² *Ib.* q. 91, 4.

³ *Ib.* q. 106, 1.

⁴ *Ib.* q. 108, 1 ad 2.

⁵ *Ib.* ii. 2, q. 139, 1 ad 1. Cf. K. E. Kirk, *op. cit.*, p. 35; "Fortitude: the spirit which not only resists and endures, but even triumphs over, the trials and temptations of life; 'glorying in its afflictions.'"

habitus naturales,¹ but the soul possessed of God's gift of love is carried to greater heights.² Thus, secondly, there are the theological virtues, faith, hope and love, which are internal habits or tendencies to act in a God-ward direction infused by God. The man who has them is a participator of Divine grace. His intrinsic possibilities are developed by means of an extrinsic grace in such a way that intellect, affections and will are purified.³ By revelation a new end lies before man, and by revelation he is helped to reach it. Supernatural power comes to him from above and raises him above his own level.

So far we have spoken of grace as a disposition; and it is evident that a disposition must have some principle of movement. St. Thomas does not allow human will the power to set dispositions into motion. Human will is dependent upon God, its moving Cause, and upon Him it must wait for help.⁴ Without the To it we may refer not only such high virtues as moral courage and righteous indignation, but the more everyday yet equally Christian duties of industry and thoroughness."

¹ *S. T.* i. 2, q. 51, 1.

² *Ib.* q. 65, 2. Cf. "Aristotle and Christian Ethics," in *The Church Quarterly*, January 1894, p. 332: "For it is this divine element which leads to a distinction wholly foreign to the Greek mind—between habits acquired and habits infused. . . . It explains to his mind the fact that 'natural' virtue is possible up to a certain point without the divine *charitas*, and without the more distinctive gifts of the divine grace."

³ *Ib.* i. 2, q. 63, 1.

⁴ *Ib.* i, q. 62, 2. See R. S. Moxon, *Doctrine of Sin*, p. 160: "'Actual Grace,' in fact, is only an extension of the Augustinian theory of grace, but it was made still of and more so with great emphasis by the Thomists and by their successors the Jansenists, as the only doctrine which precluded the boast of merit on man's part. For it was based by the latter school on the use of habitual grace, that he could claim credit for his action, which was absolutely opposed to the doctrine of Predestination."

grace of God moving him, a man cannot even prepare himself to receive grace.¹ However rich his capacities may be, he cannot use them without the initial help of Him Who is the source of those capacities.² This is where St. Thomas, under the influence of Aristotle, modifies the teaching of St. Augustine, which exaggerates the truth of necessity of grace at the expense of freedom of will. No doubt actual grace is always a condition of a Christian act, but it is responded to on man's part by means of the infused habits. Here is a place for some good in the man himself—a natural conclusion, one would have thought, from the theory of sin as a negative act, so called by reason of its failure to be a good act.³ St. Thomas tempers intellectualism with mysticism in order to reconcile grace and free will. In God's providence or plan, which includes the destiny of every rational creature, there is implied grace which will make it possible for the several members who reveal His glory to fulfil their functions.⁴ Man's will is practical reason, and, as such, is capable of desiring the good in itself, which is manifested in particular forms in experience. It is of the very nature of his intellect to perceive this good in the abstract, and to perceive it is to be in touch with God.⁵ And just as we saw that it takes a great

¹ *S.T.* i, q. 62, 2 ad 3.

² *Ib.* i, 2, q. 110, 9 ad 1.

³ J. K. Mozley, *Theology*, June 1922, p. 357: "Augustine has an understanding of religion which so much outweighs in importance his dogmatic exaggerations that, whereas it is of no particular interest to the Church that Sempelagianism should be the creed of the intellect of her members, it is of very real interest, and more, that Augustine should control their hearts."

⁴ *S.T.* i, q. 23, 5.

⁵ *Ib.* q. 49, 3 ad 5; i, 2, q. 98 5 ad 2.

variety of things to make a world, so now it takes a great variety of moral differences to make a race: as there are evil things, so there are evil people. "Let us now consider the whole of the human race, as we consider the whole universe. God wills to manifest His goodness in men; in respect of those whom He predestines, by means of His mercy, in sparing them; and in respect of others, whom He reprobates, by means of His justice, in punishing them. This is the reason why God elects some, and rejects others. . . . Why He chooses some for glory, and reprobates others, has no reason, except the Divine Will."¹ The goodness, the inscrutable will, and the justice of God are all marshalled in turn to account for a predestination which is carefully explained not to be one of mere fore-knowledge, but of express determination.² In this way St Thomas takes back with one hand what he offers in the other; it is of no benefit to reconcile freedom of will with grace, if at the same time grace follows the lines of predestination. It is true that he says that some names are entered in the Book of Life relatively (*accusation quid*); and that souls living under this particular dispensation of grace may attain eternal life, provided they do not fall into mortal sin, in which case their names are blotted out. But again this more liberal attitude is to be taken in conjunction with that predestination to eternal life which is absolute (*simpliciter*), and which is said never to fail.³ Obviously there are points where Aristotle and St Augustine must clash.

Before passing to the question of punishment,

¹ *S.T.* i, q. 22, 5 ad 3.

² *Ib.* q. 23, 7.

³ *Ib.* q. 24, 3.

it only remains to say something very briefly of sin, upon which it depends. A sinful act is one that does not conform to law: it is that voluntary choice which refuses to fulfil a proper end. Just as virtue consists in acting according to nature, vice is acting contrary to nature.¹ Moreover, if there were no sense element in man, he would not sin.² Sin is disobedience to human reason, which is a reflection of eternal reason. In Kantian terms, moral questions arise because man is a member of two worlds, the noumenal and the phenomenal; were he simply rational, and not at the same time sensitive, moral conflict would not arise. His will would be perfect and it would, by its own nature, will the good without opposition. And just as Kant insists on the universality and necessity of the moral law, so St. Thomas says that sin consists in the choice of some particular or mutable good, which is not good in itself.³ Although the will cannot be compelled to make a wrong choice, St. Thomas classifies the causes which may lead it astray. In the first place an external object may, by acting on the senses, influence the will, as, for example, when food arouses man's desire to eat. Secondly, an external agent may excite the senses or suggest to reason that such and such is a good. Hence the devil or man may be said to be the indirect cause of sin, and the agent himself the direct cause. Our temptations, then, come either from objects or from suggestions of evil wills.⁴ Already we have seen that God may move the will, and indeed that He must move it, to

¹ *S.T.* i. 2, q. 71, 1.

³ *Ib.* q. 71, 2.

² *Ib.* q. 71, 2 ad 3.

⁴ *Ib.* q. 80, 1.

good works : but the devil is not said to move our wills in quite the same manner. God alone can move us inwardly.¹

What is to be said of the sin of the first man ? In our case the will, weakened by the sin of our parents,² readily responds to suggestion ; but how did innocent man fall ? The answer follows from the nature of the first man and his relation to God. Adam was righteous, not merely by nature, but by grace : the consequence being that his physical and psychical components were in harmony. Reason was subject to God ; the appetites were subject to reason ; and the body was subject to the soul.³ Had this Divine harmony been continued, man would have progressed towards the end ordained for him, namely, immortality. Now this harmony could not, *ex hyp. thesi*, have been broken by a rebellion of the sensitive appetite against its governing partner ; it must therefore have arisen in the intellectual appetitive element, and may be said to be the desire for an inordinate spiritual good. God made Adam in His own image, and Adam coveted a more adequate likeness than his nature entitled him to bear. His sin, therefore, was the sin of pride.⁴ He longed to know good and evil of himself, without the intervention of Divine grace. Uncontent to live according to God's plan, he would prefer to order his own life ; but the inevitable consequence followed—his harmony of soul and body become thrown out of joint. Reason, now out of harmony with God, is unable to rule the

¹ *S.T.* i. 2, q. 80, 1 ad 2.

² *Ib.* i. q. 95, 1.

³ *Ib.* q. 83, 3.

⁴ *Ib.* ii. 2, q. 163, 1.

carnal appetites, and the body, now out of harmony with the soul, is doomed to disease and death.¹

The first penal consequence, then, is death. How, exactly, can death be said to be a punishment? The penal nature of death follows directly from the change in man's nature brought about by sin. Man is matter and form, body and soul. His form, like that of the angels, is immortal, because it is not subject to its matter. If proof of the soul's self-subsistence be required, St. Thomas says that the intellectual act of understanding is carried on without the assistance of the body.² Moreover, in the innocent state, Divine favour, by which Adam's body was entirely subject to his soul, enabled the soul to confer immortality upon the body.³ By nature the body is corruptible, since it is composed of contraries: so Aristotle taught, in order to account for the sense of touch. A saw must be hard, hence it is made of iron; and the craftsman cannot grumble if it rusts. In the same way the very qualities which enable the body to be the organ of touch involve its dissolution. But by grace Adam was exempt from corruption of body.⁴ Death, or corruption of body, then, was a penal consequence of Adam's pride.

Besides death, the withdrawal of Divine favour entails consequences for the body and the soul now in the present. The possibility of experiencing delights peculiar to the state of innocence is cut off, *i.e.*, "God sent him out of the paradise of pleasure." And of himself he never can attain these pleasures

¹ *S.T.* ii. 2, q. 164, 1.

³ *Ib.* q. 97, 1 ad 3.

² *Ib.* i, q. 75, 2.

⁴ *Ib.* ii. 2, q. 164, 1.

again, *i.e.*, a flaming sword stands in the way, an impassable obstacle. Moreover, a field of experience adapted to his fallen state is appointed to him: he must provide the necessities of life from a thistle-bearing soil. St. Thomas gives a more penetrating exegesis of the penalties attaching to the soul. Adam and Eve became aware of an internal conflict between the flesh and the spirit, and they are conscious of the sting of reproach in God's words, "Behold Adam is become as one of Us." And worst of all, hope has flown, for they live under the apprehension of approaching death.¹ Adam preferred not to be at one with God, and acted inordinately, *i.e.*, against God's law, and he has ceased to be at one with himself. He has brought his punishment upon himself, and each sensual impulse is a witness to the penal condition in which he finds himself.² In this sense, he may be said to be under a law of punishment.

Like generates like. Adam's posterity is of the same species as Adam, and, therefore, is sinful. He cannot generate his *quintessence* nature, for that harmonious whole became disintegrated after his rebellion. His progeny is *in sin*, that is to say, is brought into existence and given a start in life as an inordinate soul. Disorder, not order, is its condition. Consciousness is aware of this discord, and also of a certain degree of order, which reproaches it, after the manner of a categorical imperative, since a vestige of eternal law remains.³ Indeed Adam's posterity is in a condition of guilt, because it originated in a movement of

¹ *S.T.* ii. 2, q. 164, 2.

² *Ib.* i. 2, q. 91, 6.

³ *Ib.* i, q. 101, 1 ad 3.

Adam's guilty will.¹ Original sin, therefore, is defined thus: "... an inordinate disposition, arising from the destruction of the harmony which was essential to original justice, even as bodily sickness is an inordinate disposition of the body, by reason of the destruction of that equilibrium which is essential to health. Hence it is that original sin is called the languor of nature."² Adam's sin has resulted in penal consequences to his off-spring: it enters life tuned to mutable goods.

Now that we have seen how humanity, generated from the loins of Adam, stands initially in relation to God, we are in a position to pass on from original sin and inquire what manner of punishment attends those sins against eternal law which proceed from individual wills. Sin is always against some order: there is the Divine order, the human order, and the self order. Accordingly, a man may sin against God, against his fellows, and against himself; and these three orders in reacting by repressing the inordinate will are said to punish. The man deserves to be punished, that is to say, punishment is a debt which he owes to these respective orders. Hence punishment is not said to be an evil, but the desert of punishment is an evil.³

Sin against God is always lawlessness, and while it must never be forgotten that to offend in one point is to be guilty of all, it is possible, from a practical point of view, to distinguish those sins which are manifest and deliberate outrages on God's order from other lesser lapses. Thus St. Thomas speaks of mortal and of

¹ *S.T.* i, q. 81, 1.

² *Ib.* i, 2, q. 82, 1; *cf.* i, q. 100, 1

³ *Ib.* i, 2, q. 87, 1.

venial sins. The former proceed from that will which would vote itself out *in toto* from God's realm and forfeit its destiny: immortality of blessedness. The latter is drawn to a mutable good, but not with the intention of making this good a final good. The first is said to be an irreparable sin, the latter repairable. "Mortal sin, by turning the soul away from God, deprives it of its contact with Him, and so of grace, and of the right to eternal happiness; venial sin leaves these privileges untouched."¹ Turning away from God is punished by the pain of loss, *pœna damni*, turning to a mutable good is punished by the pain of sense, *pœna sensus*.² Moreover, as St. Augustine said, sin is its own punishment, in that it deprives the sinner of that grace which would, in the future, help him to meet temptation. For example, an act of anger is itself a punishment.³ Again, sin is its own punishment, because it leaves the sensitive appetites free to satisfy themselves. The sinner is obliged to inhabit his own home, which becomes a bedlam beyond his control. His passions become evil. Passions, in themselves, are neither good nor bad, but they take, so to speak, the colour of the subject whose passions they are. If he is evil, so are they. And again, they react upon him by clouding his judgment, and thus moral choice becomes more difficult.⁴ Pleasure, which is the response of the appetitive, instead of being a good, becomes an evil, and fetters the will with the result that it delights to indulge appetites contrary to reason.⁵ Or sorrow, which is properly the perception

¹ K. E. Kirk, *op. cit.*, p. 249; *S.T.* i. 2, q. 88, 1. ² *Ib.* q. 87, 4.

³ *Ib.* q. 24.

⁴ *Ib.* q. 24, 3 ad 1.

⁵ *Ib.* q. 34, 1.

of conjunction with evil, becomes sorrow for the good, and is an obstacle in the path of moral recovery.¹ Such penal consequences follow upon sin against the Divine law or the natural light of reason.

These punishments are obviously retributive. God's order is a just order, and exacts these penalties by way of debts. "Punishment is proportionate to sin in point of severity, both in Divine and in human judgments." Not that the pain must equal the sin in point of duration, since even in human judgments adultery may be punished by banishment for life. The equality is with respect to the reparable or irreparable nature of the sin. A man who fixes his attention on sin as his ultimate end is said to sin eternally, and is punished eternally.² God does not delight in punishment for its own sake, but He delights in justice. Accordingly the sinner is not annihilated, because this would not be in accordance with justice.³ On the other hand, sins which do not intend a complete and final rest in the object of choice, not being eternal, incur a punishment merely temporal.⁴ This temporal punishment, since it follows from the justice of God, may, if it be accepted in this light, be the means of removing the stain attaching to the sinner's will. If he accepts God's penalty, he accepts God's order, and becomes united in will with Him. In a sense, this punishment is voluntary and is no longer mere punishment, but is satisfactory punishment.⁵ If this punishment continues, its aim is to remedy the disorder in other regions of the soul.

¹ *S.T.* i. 2, q. 39, 2 ad 2.

² *Ib.* q. 87, 3 ad 1.

³ *Ib.* q. 87, 4 ad 1.

⁴ *Ib.* q. 87, 5.

⁵ *Ib.* q. 87, 6.

We are led, then, to see that punishment, when it is dealt out by God's moral order because of temporal sins, may be medicinal as well as retributive. The debt of punishment may be paid as the price of the sinner's restoration to union with God. Again, a man who has forfeited Divine grace by falling into sin may be humbled and made more cautious; and the experience of this world's goods as bitter will show him that he was not made to enjoy them. Other people, too, will derive benefit from the sight of his misfortunes.¹ Indeed, all pain has this beneficent effect. In itself pain is an evil, because it is a privation of good; and, were it not for original sin, we should not be subject to it. Therefore, while we recognise its penal nature, we must not forget that it helps us to ascend the ladder of moral and spiritual progress. In this way punishment loses its penal character and becomes *edificatory*.² Inherited weaknesses or bodily defects may be the means of blessing to the sufferer and to those who come in contact with him. Or in the matter of worldly possessions, it is often a blessing in disguise to be deprived of them, since we may be directed to concern ourselves with the greater goods of the spirit.³

What relation is there between the retributive and the medicinal aspects of Divine punishments? All God's punishments are retributive; they represent the reactions of His order against sinners. All God's punishments are medicinal. They may be medicinal in the sinner's own case; they are always medicinal for others who behold his plight. Retributive punish-

¹ S.T. i. 2, q. 87, 2 ad 1.

² *Ib.* 6 ad 1. ³ *Ib.* 7 ad 1.

ment always proceeds from good and looks to good : but the good to which it looks need not always be that of the victim himself.¹

So far we have been considering breaches of law eternal and natural. The latter may be said to participate in the former from which it derives its absoluteness, just as a small circle may be concentric with a larger one. The circumference of the inner circle is less wide, and its area is clearly marked out. On the other hand, human law may vary within certain limits. It must always be just, and in this respect we may represent its scope by a circle having the same centre as the other two, with an area somewhat larger than the circle representing natural law.² This common good of man, again, is a means towards man's final good, and, consequently, human law will endeavour to establish habits of virtue in those who come within its scope. While justice allows it to prescribe all the virtues, it will be content to concern itself only with those pertaining to the common good, and these in a general rather than a detailed way.³ The wise legislator will not attempt to hurry the pace of reform, and will adapt law to the moral capacity of his subjects : he will not prohibit all vices, but only those which are particularly hurtful to the community at large.⁴ Hence laws will differ in different communities, but all the while the aim of every framer of laws will be to inculcate by suggestion, rather than by compulsion, the spirit of justice, which is a habit, whereby a man renders to each member of the community his due, by a constant and

¹ *S.T.* i. 2, q. 87, 2 ad 1.

² *Ib.* q. 95, 2.

³ *Ib.* q. 96, 6 ad 3.

⁴ *Ib.* 2.

perpetual will¹. But if the citizen is conscientiously satisfied that his ruler has abused his God-given power and has been guilty of issuing unjust laws not conducive to the common good, and ministering to his own personal vanity, he must not obey, provided that his disobedience does not produce a grave scandal².

It follows from the very conception of human law as a means to the common good that its penalties also will be medicinal. Positive or human law contains the written enactments which preserve the rights of the members of the community.³ By commutative justice it attempts to make the punishment fit the crime—thus to strike a prince is deserving of greater punishment than to strike a private citizen. While, in this way, the state may be the means of restoring a due and establishing justice, it is not said to inflict retributive penalties, for this form of punishment is reserved to God.⁴ By means of law it would inculcate good habits, and when, by reason of depravity in some of its members, it fails to accomplish this end, it coerces them, both for their own and for society's good.⁵ But there may be cases in which it is not to be expected that the sinner will be reformed; here the punishment will nevertheless be inflicted for the purpose of deterring others.⁶ For this reason the State may inflict the death penalty, all retributive motives being laid aside; the harm done in the crimes of kidnapping or sacrilege is punished by death, not because they are mortal sins, but for the common good.⁷

¹ *S.T.* i. 2, q. 96, 2 ad 2. ² *Ib.* 5 ad 2. ³ *Ib.* ii. 2, q. 60, 1.

⁴ *Ib.* q. 66, 6 ad 2.

⁵ *Ib.* i. 2, q. 95, 1.

⁶ *Ib.* q. 87, 3 ad 2.

⁷ *Ib.* ii. 2, q. 66, 6 ad 2.

Thus, as in Divine punishment, the medicinal aspect is always present, but it need not always look to the good of the wrong-doer. Whereas, unlike Divine punishment, there is no retributive aspect.

Under the heading "fraternal correction" St. Thomas deals with offences which are not brought before the civil authorities. First, there are corrections of reproof which, from the motive of love, we administer for the sinner's good.¹ These are really examples of the giving of spiritual alms,² and may make satisfaction for the reprover's own sins.³ Secondly, if the admonisher be a prelate, he may punish for the sake of the common good, and thereby deter others from offending. But if the prelate does not observe eternal justice, and gives commands contrary to it, he must be disobeyed and reproved with all humility.⁴

It remains only to show how the doctrine of the Atonement put forward by St. Thomas is related to his theory of Divine punishment. Punishment has a place in theodicy because of the moral ravages let loose in original sin, but God's good purpose for humanity designed measures of healing, whereby His rational creatures might return to the ways of justice and eternal happiness. After the manner of Plato, he says that it belongs to the goodness of God to communicate itself to men, and accordingly in the Incarnation God comes into touch with created nature in the most intimate way possible to Him. Human nature might have been restored in some other way,

¹ *S.T.* ii. 2, q. 33, 3.

² *Ib.* q. 32, 2.

³ *Ib.* q. 32, 1 ad 2.

⁴ *Ib.* q. 33, 7 ad 5 ; art. 4.

but the way of the Son of God was to take human nature and its penalty, and make satisfaction for the whole race.¹ No mere member of the race could satisfy the debt of punishment even in his own case, much less the debt of the whole race; therefore, the satisfaction must come from One Who is more than man. St. Augustine is quoted as saying that the devil is conquered by the justice of Jesus Christ.² Nevertheless, side by side with the sacrificial and penal view of the Cross, we find the Moral Influence theory. Pride was the first sin; now pride is conquered by the humility which assumed human nature and accepted the Cross. Christ has set an example and kindled our love. Out of sheer love He died for us, and it was love rather than mere obedience which He offered to God.³ By His sacrifice of love He cancelled the debt of punishment in which we are all partakers. Instead we who are one with Him, become partakers of His satisfaction.⁴

Original sin, being the ground of sins, is the sin whose debt was paid primarily by Christ; but secondarily He cancelled the debt attaching to all sin as well. For this reason He suffered the penalties of hunger, thirst and death, the first two being pains of sense.⁵

In conclusion, St. Thomas recognises retributive punishment. Sin, both original and actual, incurs a debt in the justice of the theodicy under which we live. But punishment was allowed in order that a greater good might result.⁶ Its purpose was to be

¹ *St. Th. Aqu.* 1-2, 1-2 ad 4. ² *Ib.* q. 1, 1. ³ *Ib.* q. 47, 2 ad 3.

⁴ *Ib.* q. 48, 2 ad 1.

⁵ *Ib.* 1, 4 ad 2.

⁶ *Ib.* 3 ad 3.

medicinal. Jesus Christ bore the punishment of the sins of the whole world; but in that He bore the burden from His free love towards God and His brethren, we speak of His sufferings, not as punishment simply, but as satisfactory punishment. And we who are identified with Him possess a Touchstone of grace, which removes the edge from all our pains, and they become, therefore, satisfactory too.¹ Christ has transformed retribution into discipline. And what of those who are not of His Church, and refusing the merits of His Priesthood, sin eternally? The answer of St. Thomas is the answer of Holy Scripture itself.

¹ *S.T.* iii, q. 1, 2 ad 2.

CHAPTER V

GROTIUS AND PUNISHMENT

It is surprising that students of the theory of punishment have not made a closer study of the writings of Grotius, for his view, though having much in common with those propounded by other writers, is entirely peculiar to himself. I propose, therefore, to set forth the salient points in his theory as expounded in "De Jure Belli et Pacis" in such a way that the different elements will appear in their mutual relations.

The law of nature (*lex naturalis*) justifies punishment, which is an evil of suffering which is inflicted on account of an evil of doing (*Malum passivum, quod infertur ob malum actionis*). II. 28. 1. 17. It is the dictate of our rational and social nature (*dictum naturae rationalis ac socialis*, v. 1), as opposed to the irrational and appetitive nature we share with the brutes. It tells us that an evil doer ought to suffer evil (i. 2); but that evil may never be inflicted for its own sake. Man ought to treat other men who share a common nature with him, so that evil may be a means to a good end (iv. 1). Revenge is irrational, and the man who punishes from this motive is acting contrary to nature (v. 3).

The law of nature will sanction punishment inflicted

by an individual provided he be good (ix. 2), for such a man will not act on a mere opinion, but in his own innate power of reason (*innata vis*, viii. 2). Such occasion may arise when men wander on the sea or the land in unorganised communities; and the punishment inflicted on children by their parents has the same ground.

But since men are apt to put subjective interpretations on cases of wrong-doing, tribunals have been instituted in the hope that penalties may not be inflicted out of mere regard for self-interest (viii. 4; ix. 4). By this means the utility of punishment is assured. Beyond saying that punishment is to be inflicted by those whose nature is superior, *i.e.*, have not themselves been wrong-doers, nature affords no guide as to who will constitute these tribunals (iii. 1).

Punishment will be useful if it satisfies one of three ends; the utility of the offender, or of the sufferer, or of people in general (vi. 2). The first is reformative. The second may be deterrent or reformative; the delinquent may be removed; or his power to do harm may be removed; or he may be taught not to offend (viii. 1). The third may be reformative, or deterrent, but with a wider scope, since the many may be deterred by the example made of the wrong-doer. Hence it will either remove the offender, or remove his power to offend, or amend him, besides at the same time having a good effect on men in general by appealing to the motive of fear (ix. 1).

Thus we see that Grotius, in the first instance, regards punishment as retributive. Man expects to

suffer when he does wrong. But if punishment is to be a good, utilitarian considerations will limit its exercise to beneficial ends, the reformation of the wrong-doer, and the deterrence of possible wrong-doers. Reformation and deterrence are added lest retribution lead to cruelty which would deny the true nature of the man who inflicted it. They are supplementary elements; the infliction of pain serves its purpose among men when it is both reformatory and deterrent. But we must observe that punishment in itself does not of necessity involve these ends. Man may not punish without them in view; but retribution in itself is possible for God. His authority is self-sufficient and need not look to any extrinsic end. He sometimes hardens men's hearts without having in view their amendment (iv. 1).¹

Hobbes advanced a theory of punishment, in one respect identical with that of Grotius. His seventh law of nature reads: "That in revenges, that is, retribution of evil for evil, men look not at the greatness of the evil past, but the greatness of the good to follow. Wherby we are forbidden to inflict punishment with any other design, than for correction of the offender, or direction of others."² Mere revenge is not contrary to nature; it is not contrary to man's natural condition, which is "a condition of war of every one against every one; in which case every one is governed by his own reason; and there is nothing he can make

¹ "Nam licet illi homines averti ipse non intendat, ultionis tamen in hoc debet, uti boni digne consequenda causa sit. Idcirco alio rei, et non hominis. Nihil aliud sententias male extendit."

² *Leviathan*, Pt i. c. xv.

use of, that may not be a help unto him in preserving his life against his enemies ; it followeth, that in such a condition, every man has a right to everything ; even to another's body." ¹ Justice and injustice, right and wrong, are thus meaningless words. But such a state of affairs does not make for self-preservation, which is a right of nature (*jus naturale*), "the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature ; that is to say, of his own life ; and consequently, of doing anything which in his own judgment and reason he shall conceive to be the aptest means thereto." Hence men will form laws of nature (*lex naturalis*), the first of which is to seek peace and follow it. Thus self-interest when illumined by reason leads men to form a community, based on a social contract, by a transference of rights to the will of the rulers. But mere self-interest will not be a strong enough motive to ensure the observance of the laws of nature ; natural passion will prompt men to break the compact when, and as often as, they may do so with impunity. Hence force is the necessary ally of morality. "Covenants without the sword are but words and of no strength to secure a man at all." Punishment, then, for Hobbes, has no meaning apart from the commonwealth. Man is naturally anti-social, and in inflicting pain simply gives way to revenge. A law of nature, which makes justice possible, and even punishment possible, is based on utilitarian grounds. "But the validity of covenants begins not but with the constitution of civil power, sufficient to compel men to keep them." ²

¹ *Leviathan*, Pt. i. c. xiv.

² *Ib.* Pt. i. c. xv.

Now in our summary of Grotius's teaching we have seen that in the case of human punishments, retribution was modified by reformative and deterrent ends. There is utilitarianism in Grotius; but it does not justify the laws of nature and society itself as in Hobbes. "Utility, indeed, affords the occasion for the introduction of civil law, but is not its source."¹ Grotius holds that man is by nature social. Hobbes holds that he is by nature anti-social. Grotius holds that man's social tendency is the source of natural law; that natural law itself leads men to observe compacts; and that the social compact is the source of civil law. As he expresses it: "Nature may be said to be the Grandmother of Civil Laws." Hence utility is the *occasion* rather than the ground of the commonwealth. "Natural Law is reinforced by Utility."² It is logically prior to the existence of the commonwealth, because it is discernible by reason itself, and is ultimately derived from God Himself.³ Morality is, therefore, grounded in the nature of things; it is not derived; whereas Hobbes traces its origin to the State, and thus conscience is not a private but a civil law, there being no such thing as a moral obligation apart from the State. Grotius leaves room for religion; Hobbes admits it on the authority of the State, which declares it to be a necessity of the civil order. The Great Leviathan establishes and rules over all human institutions, and even determines what shall be held as Divine.⁴

Such is the teaching of Grotius about punishment

¹ G. C. Joyce, Art. "Grotius," *H.D.R.E.*

² *Prolegomena*, 16.

³ *Ib.* 12.

⁴ Cf. Whewell, *History of Moral Philosophy in England*, p. 19.

in relation to natural and to civil law. We pass now to punishment and the Gospel law (*lex evangelica*), as it concerns the duty of man to man, and therefore to a realm transcending the interests of right and utility. In the first place, the Gospel law makes a greater demand on the subject inasmuch as it promises rewards beyond the discovery of mere human nature (x. 1); and, secondly, the punishments are more far-reaching, being inflicted not only by men, but also by God in this world and in that which is to come (xi. 1; xx. 1). And yet there is a close relation between the higher and the lower laws: the former, being the law of God, is perfect, and will not contradict the latter, provided its penalties are medicinal and inflict no permanent injury on the wrong-doer (x. 1). Human law imitates Divine law (x. 8), and ought to show that leniency revealed by God's dealings with men in the Old Testament (xxvi.). The law of the New Testament, being more holy, enjoins a greater degree of holiness than does the law of nature.

Punishments of a private character, such as are inflicted in cases of necessity by parents and teachers in accordance with natural law are not at variance with Christian teaching (x. 1); but the motive may never be the mere satisfaction of the person offended, for the Gospel bids us do good to all men. In so far as it may be possible, the offender is to be pardoned and the penalty remitted, so that he may enter into the *quondam* relation of good-will. But if punishment must be inflicted, the offended party must do as little harm as possible to the offender (x. 6, 7).

Nor has Christ forbidden punishments that make for the public good : we are bidden by the Apostle to pray that kings may be Christian (xii. 2). But here again leniency is to be shown (xxiv. 2) : capital punishment ought to be administered, with great reserve, in order that the condemned may be led to penitence, and, by prolonged punishment, profit others by example (xx. 3 ; xiv.). God is our Judge, hence we ought to hesitate before we lodge information against a criminal. Although He has given laws, He has not denied Himself the power to pardon : therefore the State is not precluded from rescinding the law determining penalties in cases where it can be shown that greater good will result from its suspension (xxiv.).

A Christian State is not permitted to punish all acts of wrong doing; internal acts may not be punished except in so far as they involve external acts, acts unavoidable by human nature, though done freely, are not to be punished, because no man is wholly good; nor are men to be punished for inveterate habits, but because they have neglected to use the means of remedy, or because they have willingly admitted diseased thoughts into their minds (xix.); and evils which do not affect other men are to be left to God's judgment, our punishments in this case being useless are blameable.

When the judge decides that he must punish, he will attempt to fix the desert of the wrong-doer, which is determined by three considerations. First, there is the impelling cause of the wrong; second, the cause which ought to have withheld; third, the fitness of the person to each (xxix.).

The impelling cause is appetite, in so far as it does not tend to a real good, *i.e.*, to virtue and utility, but to a merely imaginary good. St. John classifies the three bad appetites as the lust of the flesh, which is the desire for pleasure; the lust of the eyes, which is the cupidity of having; the pride of life, which is the pursuit of vain-glory, and anger. These, being contrary to nature, are detestable (xix.). The withholding cause is justice: the more criminal the act, the greater its deterrent quality. Taking life, or burning a house, in which there is likely to be loss of life involved, are actions which ought in themselves to cause the evil-minded to think well before he acts. Special laws have been framed to establish the rights of the community and the individual; a man ought to consider well before he breaks them (xxx.).

So far we have spoken of natural law (*jus naturae*), human law (*jus voluntarium humanum*), and Divine law (*jus voluntarium divinum*); and we have shown that Grotius held them to be consistent with one another, provided that certain conditions were fulfilled. It remains, therefore, to state his view as to the exact relations of natural, human, and Divine law.

Natural law is the most fundamental of the three: it is the Dictate of Right Reason, indicating that any act, from its agreement or disagreement with the rational and social nature of man has in it a moral necessity or a moral turpitude; and consequently, that such an act is commanded or forbidden by God, the Author of Nature (I. i. x. 1). It forbids acts which are in themselves wrong (x. 2), and is therefore binding on God Himself. No more could He decree

that an act intrinsically wrong (*quod intrinseca ratione malum est*) is good, than He could make two and two other than four. We may know *a priori* if an act is wrong, by inquiring whether it agrees or disagrees with the rational and social nature of man; and there is an *a posteriori* proof also from the *consensus omnium* (xii.).

Human and Divine laws have a different origin. They do not deal with things wrong in themselves; but make things wrong by forbidding them (x. 2). The law of the State has its origin in the will of its members, who associate together for the sake of enjoying the advantages of *res*, and for common utility (xiv. 1). Divine law originates in the Divine Will, and God does not command acts because they are just, but they are just because He commands them (xv. 1). He has given His law on three occasions: at the Creation, after the Flood, and by Christ (xv. 2). When the State punishes for the sake of the public good, it is really acting on God's behalf and is the vehicle of His vengeance (I. ii. viii. 13).

Thus human and Divine law are lacking in that absoluteness which characterises natural law: they are dependent upon will, in the first case on the will of men, in the second on the Will of God.

It is clear, then, that God is free to deal with men by such means as will accomplish His purposes for them. Not that He acts arbitrarily. His means will always be determined by what good government prescribes. Just as the magistrate suspends the law in cases where its enforcement would do more harm than good in the State, so God does what will satisfy

His rectoral purpose. Thus Christ's acts do not necessarily proceed from any absolute law. On the Cross He does not fulfil any law of righteousness; but acts in agreement with "a special covenant with His Father."¹

Such is the theory of punishment expounded in the "De Jure Belli et Pacis." Anselm looked at God's dealings with sinners through the spectacles of feudalism; now Grotius conceives Him as a Guardian of law and order. Thus "all punishment has as its purpose the common good; viz. the preservation of order and the giving of example." And "to inflict punishment, or to release from punishment one whom you can punish, which Scripture calls justification, belongs only to the Ruler, as being such primarily in himself; as in the family to the father, in the state to the king, in the universe to God."² Had not God relaxed the law His love could not have been shown, and all sinners would have suffered eternal death. He arranged that the innocent should suffer for the guilty, in order that we might be deterred from sin. The penal sufferings of Christ are accepted in our stead.

All this makes God out to be a rather inconsistent

¹ "*Ad Christi exemplum, qui pro inimicis mortuus dicitur, responderi potest, Christi facta omnia quidem virtutis esse plena, et quae, quod ejus fieri potest, imitari laudabile sit, et suo praemio non cariturum; non tamen omnia ejusmodi esse, ut aut ex lege veniant aut legem faciant. Nam quod Christus pro inimicis atque impiis est mortuus, id non fecit ex lege aliqua, sed ex speciali quasi pacto et foedere inito cum Patre; qui si id faceret, non modo summum ei gloriam, sed et gentem in aeternum duraturam promissit*" (Esaiæ, liii. 10).

² See L. W. Grensted, *Short History of the Doctrine of the Atonement*, p. 292, who quotes *De Fid. Cath.* c. 2.

utilitarian. Grotius argues from the makeshift methods of statecraft in order to discover the attitude of God to men. In man, apparently, reason and will may function independently. Natural law is absolute, but it does not determine the dictates of will when it enunciates human laws. So with God, there is a natural law which He cannot set aside; it remains to Him to make salvation possible for men by administrative methods. Had Grotius argued from the necessity and universality of natural law, qualities which he acknowledges it to have, he would have arrived at a nobler conception of God's ways. Even then the order of procedure would have been inadequate. Christianity is the Religion of Revelation.

CHAPTER VI

THE THEORY OF PUNISHMENT

IN this chapter we shall attempt to set forth the view that punishment is a complex conception composed of three elements—namely, retributive, reformative, and deterrent.

Christian ethics accepts the moral law as *a priori*; but it must be remembered that the term is an abstraction. The moral law is the expressed Will of God. If the cold code of morality be not clothed with the warmth of the Personality of God, it will become the mere fetish of rationalism. Kantian ethics ends by postulating the existence of God, not in order to guarantee the authority of the Categorical Imperative, which is its own manifest authority, but because the moral consciousness requires a Being to estimate the exact amount of happiness due to the moral man. “. . . We are not merely bound, but compelled by a necessity which is bound up as a requirement with the idea of duty, to presuppose the possibility of this highest Good, which can be secured only under condition of the existence of God—*i.e.*, it is morally necessary to assume the necessity of God.”¹ But Green, who began where Kant began,

¹ Caird, *The Critical Philosophy of Kant*, ii. 296.

makes the connection much closer. He says that "moral activity" is "only explicable on supposition of a certain reproduction of itself, on the part of this eternal mind, as the self of man."¹ "But the idea (the moral ideal) as it is in the individual man, however indefinite and unfulfilled, is a communication in germ or principle of the idea as it is in God. . . ."² A great danger attending the conception of moral law as impersonal is the reduction of moral standards to a basis of custom and convenience. Psychology may, since it takes the matter-of-fact view, regard instinct as the raw material of personality, but failure to see that the moral law transcends that through which it has become explicit must rob "I ought" of its supremacy. "Like reason itself, of which it is an aspect, like beauty, so righteousness belongs to the universal and eternal Being, and because this is so, man have called this Being God, and worshipped it."³

Had Kant, like Butler, adopted an *a posteriori* method, he might have been led to ground ethics in religion. He set forth with critical keenness a cleavage in man's make-up. On the one side there is sensuous nature, and on the other practical reason. Between them a great gulf is fixed. The will finds it difficult, nay, impossible, in every case, to will the good. "Evil is present with me" but where? Not in sensuous nature, "for if we regard it alone, and leave out of account the motives which arise out of freedom, we reduce man to a mere animal. On

¹ *Prolegomena to Ethics*, p. 198.

² *Ib.* p. 198.

³ C. Gore, *Belief in God*, p. 56.

the other hand an *evil reason* (or absolutely evil will) which should declare itself free of the moral law, contains too much ; for in such a will, opposition to the law would itself become the motive of action, and the subject would thus become neither more nor less than a devil.”¹ The conclusion is that the origin of evil is unsearchable. And yet we are responsible. “We are conscious of it, as that which ought not to be, and therefore, as that which we could have hindered from being.”² The evil act cannot be explained by a previous act ; that would be simply the first step in an infinite series of evil acts. We can only take refuge in tracing its cause to an “intelligible act which we can know only through reason, and not as empirically given in sense under conditions of time.” Obviously its origin lies somehow in the supersensible. Men, as a matter of experience, have preferred the maxims of self-love to those of the moral law, but the reason for their preference “lies beyond rational discovery.”³

Like Pelagius, Kant has tried to hold man in a vacuum ; but he will not admit in so many words that evil resides in the will. He takes the will to be a ready-made thing, a full-grown faculty ; but surely there is a shading off in degrees of good and evil from “an *evil reason* (absolutely evil will)” in which wills are neither wholly good nor evil ? And being such, they can be influenced by a Kantian God—“a Being who is quite distinct from Nature, and at the same time the cause of it, and who contains in himself the ground of this realisation—*i.e.*, of the realisation of

¹ Caird, *ib.*, p. 568.

² *Ib.* p. 566.

³ R. S. Moxon, *The Doctrine of Sin*, p. 183.

the combination of happiness with goodness." If God is such a ground, may He not guide and help without necessarily depriving man of his free will? Martensen says truly that "the true consequence of Kant's doctrine is grace, and this prayer, 'Create in me a clean heart, O God,'"¹ But prayer and the sacraments savour of superstition. We are to move from virtue to grace, not from grace to virtue. "Thus Baptism . . . and the Lord's Supper . . . have a *relative* value, as they help towards the development of pure moral habit of mind in those who partake in them; but to suppose them to be of any worth in themselves, apart from such influence, is to make them fetishes."² With a great price Kant has obtained for man his freedom.

Kant's caution is neutralized by the clear-cut distinction he draws between the *noumenal* and the *phenomenal* self. Metaphysics rob him of his ethics, and prevent him from wallowing to and fro in the domain of religion. Martineau, who insists as strongly on the manifest authority of the moral law, does not hesitate to say that the relation "between the moral consciousness and the Divine authority, is one, not so much of *reference*, as of *identification*."³ He argues that a "detached" personality would have no standard by which to adjust a lower to a higher faculty. Man would be out of touch with the universe he inhabits if it were impersonal; duty has meaning only in relation to a Person higher than he. ". . . Surely, if the sense of authority means anything, it means

¹ *Christian Ethics*, E.T., i. 58.

² Caird, *ib.*, p. 588.

³ *Types of Ethical Theory*, ii. 235.

the discernment of something *higher than we*, having claims on our *self*—therefore no mere part of it—hovering over and transcending our personality, though also mingling with our consciousness, and manifested through its intimations.”¹ The *homo noumenon* cannot have his centre of gravity in a mere impersonal law, which is, *ex hypothesi*, less than he. “Is not our only way of escape from the embarrassment created by the presence in us of this implanted sentiment of reverence for what, though bound up with our personality, is yet, as the object of reverence, distinguished from it, the frank recognition of a Personal God . . . who is not only immanent, but transcendent, with whom a relation only to be described as personal intercourse is possible, and is, in the experience of Religion, actually enjoyed?”²

The nearest approach to such a Person as the locus of the human will in Kant is in the social contract, where the *homo noumenon* subjects the *homo phenomenon* to the State. The contract is based on an idea of reason, which makes society possible. “We are not . . . to say that man in the State has sacrificed a *part* of his innate external freedom to secure an end; we are to say that he has surrendered the whole of his wild and lawless freedom in order to find it all again undiminished in a dependence regulated by law. For such dependence springs out of his own legislative will, and therefore is one with freedom.”³ And yet to identify duty with the Will of God is heteronomy!

¹ Martineau, *ib.*, p. 104.

² C. C. J. Webb, *Divine Personality and Human Life*, p. 126.

³ Gard, *ib.*, p. 332.

Only by holding fast to the unity of the self as it is presented, for example, by Plato, can we be saved from a distinction between metaphysics, ethics, and religion, which is made for any purpose save that of logical clearness. Once you divide the self, you cannot find a principle to bind up the parts again; nor have you a principle to bind together the strands of reality to which they correspond. It is true that the "Timaeus" locates the spiritual element in the heart, the appetitive element in the belly, and the divine element in the head. The first two taken together constitute the mortal soul, while the third is immortal soul. But with this analysis we must compare Plato's doctrine of the immortality of the soul: "All soul is immortal." ¹ Soul is immaterial, and cannot be conceived as residing in those different parts of the body. The soul is to be thought of as acting in three ways; and her mortality is consequent upon her immittance in a material body. "Body," then, is the name given to the soul acting under certain conditions; and soul may in that sense admit the appellation, not because she ever ceases to exist *qua* soul, but because she ceases to operate *qua* emotional and appetitive soul." ²

In the Platonic system metaphysics, ethics, and religion interpenetrate; indeed, it might be more correct to say that religion is the ground of the other members. Faith in the rational character of the universe, and both in self and in other selves as capable of moral living in that universe, presupposes that temper of mind suggested in the myths. In them there is presented, for imagination rather than for

¹ *Phaedrus*, 245, D. ² Archer-Hind, *The Phaedo of Plato*, p. 29.

the critical understanding, the true nature of the soul and its relation to a Personal God. The “*a priori* in conduct and knowledge”¹ is set forth most clearly in the “Phaedrus” myth, where “we have a complete account of the whole History of the Soul—its condition before incarnation, the cause of its incarnation, and the stages of its life, incarnate and disembodied, till it returns to its original disembodied state.”² Naked and unashamed, it has once upon a time looked upon the Categorical Imperative, and therefore it must hope; it has contemplated True Knowledge, and therefore experience is possible. “In the journey round the Soul beholdeth Justice Itself, she beholdeth Temperance Itself, she beholdeth True Knowledge; not the knowledge which is with generation, and differeth in respect unto different of those things concerning which we now say that ‘they are’; but the knowledge which standeth in That which Verily Is.”³ To a philosopher justice is no abstraction, “it is the ultimate principle upon which God has constructed the universe, in making it in His own image.”⁴

In the philosophy of the Christian religion the principle of the Incarnation, with its corollary, the fact of Pentecost, holds together the mutually penetrating elements of the human soul, and preserves them in living touch with God and the universe. “All things were made” by the Logos, and by Him they are sustained in being and reciprocity; it is His laws

¹ J. A. Stewart, *The Myths of Plato*, p. 51.

² *Ib.* p. 338.

³ *Ib.* p. 247.

⁴ R. C. Lodge, “Reality and the Moral Judgment in Plato,” in *The Philosophical Review*, September 1920.

that function in matter, in instinct, and in self-conscious selves. "In Him all things consist."¹ He, "in whom we live and move and have our being," unites us with the world in which our duties are to be carried out, and imparts to us the grace by which all that we do of worth is done. God communicates to the natural man the humanity of Jesus Christ, and he becomes a spiritual man. Purpose dominates his life, just because it is "the age-long purpose of God."² According as his faculties are severally united to work out the purpose of God, and therefore the purpose of self, so he grows in grace, and in Christ his "potential perfection is made real."³ There is no compulsion of will; there is the drawing by "bands of love,"⁴ by a gift of the Spirit. The law is in "the inward parts,"⁵ the soul is unified⁶ as it makes the effort in Christ. Christian theism "gives us a reason for transcending ethical atomism, because it must hold that there can be no irreconcilable conflict between the good of one individual and the good of others, since it believes that all spiritual beings move towards an Inclusive End towards which they are drawn, but not compelled."⁷

Only on the principle of the Immanation can we defend the identity of autonomy, heteronomy, and theonomy. When the Categorical Imperative is embraced, it is its own authority, simply because in its

¹ Col. i. 17.

² Epistle on 111. see A. H. McNeely, *St. Paul: His Life and Letters and Christian Doctrine*, p. 282.

³ *Ib.* p. 285.

⁵ Jer. xxxi. 33.

⁷ W. R. Matthews, *Studies in Christian Eschatology*, p. 145.

⁴ Hos. ii. 4.

⁶ Ps. lxxxvi. 11 (R.V.).

personal choice the Christ within answers "Yes" to the Christ without. Commenting on the question, "Why even of yourselves judge ye not what is right?" Dr. Rashdall says, "Doubtless He thought of that inner light in other men as coming from the same Heavenly Father Who had in an exceptional way spoken in the Old Testament Scriptures and was speaking also in Him; but it was a voice within, not a mere external voice, to which He appealed in confirmation of the claim which He made upon their allegiance."¹

The moral law is personal because it expresses in me, first in my instincts, and later in my self-conscious reason, the Person of God in Christ through the Holy Spirit; and in that Person my personality grows.

Let us now approach the theory of punishment in the light of Christian theism, which treats men, not as impervious monads, but as children of a Father in whose world they are both nourished and provided with all the materials that pertain to the making of personality; because both children and world have been pervaded and redeemed by an Only Son, Whose Will may operate in them in so far as their finite wills identify themselves with His purpose.

A man sins; he wills that which conscience within and God without have agreed in condemning. He is not related to God as closely as before the act. The act has placed a barrier between the Source of Divine grace and its recipient; for the sinner has willed to depart into a far country. God has not removed Himself; rather the sinner has removed himself from

¹ *Conscience and Christ*, p. 35.

God; we may speak of him as forsaken by God. He would live by himself; so far as he is apart from God he is dead: "... the wicked have life of body, but none of soul; their souls being dead (that is, forsaken of God)." ¹

God's action is not arbitrary. He is expressing His moral nature in all His acts. He "desireth not the death of a sinner"; but He results automatically from an evil will. Good has no fellowship with evil. The evil will must be shown up as alien to the Will of God. "The wages of selfishness is death. Of course it is; for by death St. Paul meant separation from God, loss of God, the losing of God's love; and if we go on long enough in wilful selfishness we must cut ourselves off from God's love. Love abused is love lost, and love lost is hell." ² "The wrath of God is revealed from Heaven against all ungodliness and unrighteousness of men who hold down the truth in unrighteousness." ³

God must assert in no uncertain way the character of Himself, the character of the universe, and the potential character of His children lest His purpose be thwarted. He must show us, when we forget it, that only in Christ is there life and growth of character. To forgetful men, He must vindicate His Personal Law. If religion means anything, it demands the "conservation of value." ⁴

¹ St. Augustine, *The City of God*, xiii. 2.

² *Teaching of Luther*, in *The Lutheran Call and Motion*, p. 49.

³ Rom. i. 18.

⁴ Cf. Homburg, *The Philosophy of Religion*, p. 100: "... the conservation of value (the axiom of the conservation of value) is the fundamental thought of all religion."

So far, punishment is viewed as external; God allows Himself to be withdrawn from His child. But Christian theism is conscious of a deeper pain. The conscience within stands over against the evil will and the person is disrupted. He, the evil will, is aware that he stands over against his true self. His person is dissociated. The Spirit within groans and convicts him of guilt. The act is his very own; it need not have been. The grace of God, from which he cannot altogether free himself causes an inner dialectic to struggle within him. "For I delight in the law of God after the inward man: but I see a different law in my members, warring against the law of my mind, and bringing me into captivity under the law of sin which is present in my members."¹ The past looms large and disturbs the present. Until the offending member is cast away there is no balance of elements, no equipoise, no rest, no peace, no self. The purpose of God as expressed in conscience must harmonise the scattered and conflicting reactions to stimuli into a personality. By the grace of God the sinner may find a mental centre of gravity. He may learn to focus his impulsive tendencies to a common point, the Will of God, as his conscience sees it. But he must pass through a stage of internal struggle and be sundered into warring elements; this state of pain is his inner punishment.

Both these pains are automatic. They are the inevitable result of sin, and they are parallel. The one is the counterpart of the other; in the first case God transcendent reacts, in the second, God

¹ Rom. vii. 22-23.

immanent. We may include them both under the term *retribution*.

Retribution as thus understood carries with it implicitly the idea of punishment as reformative. God is love. The Father's children are to become full-grown. The Spirit's fruit is to bloom in their lives. Their wills are to be harmonised with His. Hence the pain of punishment may be transfigured, if the grace of God is allowed to give to the sinner a new point of view and a fresh aim. The soul's equilibrium may be restored if the evil will inclines to good. From this angle punishment is the discipline of our Father. Punishment, then, as reformative is punishment as retribution interpreted by a child who sees that his Father has provided a means whereby he may come to himself. The Father, in the most emphatic way possible, has shown him that sin entails separation and pain: this is the retributive element. The son, in the light of grace, determines to see in his chastisement the Hand of the Father. The sinner on whom a pain is laid—on whom the moral law has exerted its force—must treat his penalty as a Personal reaction from God: in doing so he sees that the penalty has been deserved, and that at once alters his relation to God. The penalty is the means whereby he is "educated" into a true apprehension of God's relation to him as the Father of spirits.

The third element in punishment, the deterrent, is also implicit. The sinner is led to associate pain with certain acts, and, in consequence, avoids them. But in this case we are on rather lower ground, for the same degree of faith is not in evidence. The

sinner may avoid certain actions from motives of fear if the reformative element is not equally strongly expressed.

It will be observed that the retributive element is the pivot of the theory of punishment in Christian ethics interpreted as it must be by the philosophy of the Christian religion. In the last few years it has been the custom to interpret the doctrine of the Fatherhood of God after the analogy of an indulgent parent. Calvinism is gone, but it did at least proclaim the Holiness of God with definiteness. The Holiness of God is banked like a golden strand across the Bible. Mr. Snowden says that God "revealed Himself to the Jews first as 'holiness,' and their whole religion was directed to impress upon them the truth that their God was a 'holy' God. The fires of Sinai; the laws of clean and unclean; the blood of the sin-offerings and other sacrifices; the white robes and lustrations of the priests; the Day of Atonement and the Passover, were all directed to teach the one great lesson—'The Lord your God is holy: be ye therefore holy.'"¹ "Moreover, all those passages which speak of God as 'Light,' in Whom is no darkness at all, Whose first creation was light, and Who is the Light of His last creation, the heavenly city; and of our Lord Jesus Christ as the Light of the world, the Sun of Righteousness, the true Light which lighteneth every man as he cometh into the world—all these passages teach the same great doctrine, that holiness is the fundamental characteristic of God."²

¹ P. L. Snowden, *The Atonement and Ourselves*, p. 41.

² *Ib.* p. 42.

God's love is a holy love. He would "educate" us into holiness. And in order that His Holy Will may be safeguarded as an subjective reality, we use the term *retributive* to describe His punishments. We could not say that pain inflicted on a good man because of a good deed was a punishment. "We ourselves punish only when morality is at stake. A reformatory process is justified in inflicting pain only on the certainty of morality being an element in God's own teleology. It is of the grace of God that the wayward son must eat the husks that swine eat. By the grace of God reflection on his painful state brings him to "himself" and to his Father.

Nor does God deter us from good actions; did He act thus He would deny Himself. We are deterred that we may freely embrace His Will and live in Him. A retributive element here saves deterrence from arbitrariness.

Martensen holds that punishment is in essence retribution. "The proper conception of punishment is retribution, that 'judgment shall return to righteousness' (Ps. xciv. 15), 'the law be maintained' (Ps. cxi. 7-8) and 'man may reap what he has sowed' (Gal. vi. 7)."¹ But he continues: "That regard to reformation does not *necessarily* belong to the conception of punishment but is only an additional element so far as punishment is admitted into the teleology (the final cause) of grace, is clearly seen from the discourses of our Lord concerning the last judgment, where the damned are banished into the outer darkness." But in our treatment of punish-

¹ *Christian Ethics*, E.T., i. 134.

ment we are concerned only with the theory as it appears in Christian ethics. Those who have, by constant continuation in wrong-doing, willed themselves outside the sphere of grace are not to be considered as having a relation to God at all. The soul that ceases to live and move and have its being in God has ceased to live. The bad fish were thrown away ; the tares were to be burned ; the guest without a wedding garment was cast out ; the unprepared virgins were not admitted to the wedding. In an interesting note Dr. Gore says : " Finally lost souls—only so by their persistence in refusing the known good and choosing the evil—I feel bound to believe there may be. To believe that it may be so is, I think, bound up with accepting the reality of moral freedom. But I conceive that the lost also will recognise that the mind of God towards them was only good. And though their awakening must be awful indeed, and the figures under which it is described are so, I do not think an orthodox Christian is precluded from hoping that the issue of hell, which is the state of the lost, will be extinction of personal consciousness or dissolution of personality." ¹ The doctrine of the Incarnation is instinct with teleology ; and since we are attempting to interpret a theory of punishment which will be consistent with it, we are precluded from applying the term " punishment " to the condition of the lost. To have crushed the last traces of the Immanent Logos into nothing is to have ceased to live. We can, as children of our Father, trust in His Holy Love.

¹ *Belief in God*, p. 159.

Martensen agrees that inside the realm of grace punishment has an educative element. "But so long as the time of grace lasts, so long as a man, even outside the region of redemption, is an object of the educative providence of God, one may no doubt discover a pedagogic element in punishment in which reforming grace makes itself manifest. In the stricter meaning of the word, however, no punishment can reform man: at the best it can only exert a preparatory influence, to induce the man to seek reformation, to lay hold of the Gospel which alone can bestow the power for thorough redemption and renewal of the man. Only in the region of redemption, only for those who are become God's children, punishment is transformed into paternal discipline and trial."¹ In accepting this statement we must make a reservation: that our view of the moral law as personal and as producing personality in man entitles us to believe that the assertion of the former (retribution) in the latter (education) precludes the Deistic view of punishment as merely retributive.

On this point Bradley was taken to task by Rashdall. Bradley wrote: "We pay the penalty because we owe it, and for no other reason; and if punishment is inflicted for any other reason whatever than because it is merited by wrong, it is gross immorality, a crying injustice, an abominable crime, and not what it pretends to be. . . . Having once the right to punish we may modify the punishment according to the useful and the pleasant, but these are external to the matter. . . ."² Thus, in Bradley's view,

¹ *Belief in God*, p. 134.

² *Ethical Studies* (1876), p. 25.

human punishment is retributive, while the educative element is a mere plus. Rashdall makes the comment: "If punishment is 'modified' for utilitarian reasons, does that not mean that it is inflicted partly for retribution and partly for some other reason? If so, we do not pay the penalty because we owe it, *and for no other reason.*"¹ Bradley would explain punishment entirely by reference to the past: "it is inflicted for the sake of punishment":² it is "an end in itself."³ This follows from his definition of punishment. "Punishment is the denial of wrong by the assertion of right, and the wrong exists in the self, or will, of the individual; his self is a wrongful self and is realised in his person and possessions; he has asserted in them his wrongful will, the incarnate denial of right; and in denying that assertion and annihilating, whether wholly or partially, that incarnation by fine or imprisonment, or even by death, we annihilate the wrong and manifest the right; and since this, as we saw, was an end in itself, so punishment is also an end in itself."⁴ It may be pointed out that the moral law is not abstract; and that it is not "we" but the sinner who is to annihilate the wrong. "He willeth that we should be saved, but He willeth not to do violence to our will, which He holds sacred, as the finite image of His own Infinite Will, free, after the likeness of His own Almighty Will, 'Who doth whatsoever pleaseth Him.'"⁵

On the other hand, Rashdall will not allow that

¹ *Theory of Good and Evil*, i. 288.

² *Ib.* p. 26.

³ *Ib.* p. 25.

⁴ *Ib.* p. 25.

⁵ E. B. Pusey, *What is of Faith as to Everlasting Punishment?* (1880), p. 31.

punishment as retributive is moral at all. "The theory . . . is quite inconsistent with that Christian ethic which sums up the whole moral law in the requirement of universal love, and with that Christian theology which regards love as the most adequate expression of the character of God. "Love cannot inflict pain or other evil except as a means to some good." ¹ The fact remains that it is *pain* and not pleasure that our Heavenly Father inflicts; and that He inflicts it on wills that have disobeyed the moral law—viz., rejected the inner promptings of the Spirit. "The question is whether, *apart* from its effects, there would be any moral propriety in the mere infliction of pain for pain's sake?" ² But pain is not inflicted for pain's sake; it is the occasion whereby the sinner may discover his state of will and convert. He may, at pain's warning, pull himself up. As Butler has it: "The present world is *peculiarly fit* to be a state of discipline. For the various temptations with which we are surrounded; . . . our being made acquainted with pain and sorrow . . . these things, though some of them may indeed produce wrong effects upon our minds, yet when duly reflected upon have, all of them, a direct tendency to bring us to a settled condition and reasonableness of temper. . . ." ³ Are we not justified in retaining the term "retribution" to express the occasion of our education as painful? ⁴

¹ *The Theory of Atonement in Christian Theology*, p. 422.

² *The Theory of Good and Evil*, p. 286.

³ *The Analogy of Religion* (J. H. Bernard's edition, 1900), p. 91.

⁴ *In Conscience and Christ*, p. 130, Rashdall writes: "If the man believes in a perfectly righteous Being whose Will is identical with

But Rashdall is far from denying that pain may be a means to good. He shrinks not so much from what is spoken of in this chapter as retribution, as from the word with its attendant abstract and cruel associations. "But no one will deny that under certain circumstances, and with men of certain temperaments, great moral changes are often produced by calamity of one kind or another. In some cases it is direct and immediate; in other cases the effect is produced indirectly through the awakening of religious emotion. In either case, of course, all that the misfortune does is to create conditions of mind favourable to the action of higher motives and considerations, or to remove conditions unfavourable to their action."¹ The fact remains that because of disobedience to His Will, and to our higher self, the "conditions of mind" were allowed. It is surely logical to connect the means and the end under the one term "punishment." Rashdall makes the statement, "Punishment is necessarily painful, or it ceases to be punishment."² He goes as far as to say that in certain cases it may be justifiable to inflict pain where there is no hope of the offender voluntarily embracing the moral law. ". . . We may perhaps go one step further and maintain that even in cases where punishment will not have a reformatory effect, where the tendencies to evil are too strong to be kept in check by fear, even then the

the law of his Conscience . . . his sorrow will be deepened, and will assume the form of a desire for reconciliation with that Being, which will most naturally express itself in confession and prayer for forgiveness, restitution, change of will." But in an "educative" theory how can there be *restitution*?

¹ *The Theory of Good and Evil*, i. 293.

² *Ib.* p. 292.

punishment may be, in a sense, for the moral good of the offender. . . . But still, it is always a certain effect on consciousness and character that constitutes its justification, not merely the satisfaction of an impersonal and irrational law."¹ In reply, it may be said that Christian ethics cannot predicate good of a state of consciousness that is not voluntarily chosen as such; nor is the moral law either impersonal or irrational. Such a view emphasises the means at the expense of the end. "Wickedness humbled and subdued, though it be only by external force, is a healthier condition than wickedness triumphant."² A sinner, whose will is in such a condition as to preclude the effort to reform, is outside the working of Divine grace; and it is a doubtful presumption if such actually exists in this world. In any case, I do not see that the presumption is sufficiently strong to warrant the infliction of pain. To such an one, pain could never be a means to anything but pain. An evil will merely thwarted still remains an evil will. The end of punishment is not to thwart; it seeks rather to bring the sinner to "himself," to his true nature as an image of God.

Rashdall recognises that the theories of punishment, as deterrent and reformatory, are inadequate to express its true character. "There is a side of punishment which might perhaps be best expressed by the term 'educative theory', or perhaps we might say that the end of punishment is partly deterrent or utilitarian, and partly *ethical*."³ Again, "Even the

¹ *The Theory of Good and Evil*, i. 294.

² *Ib.* p. 294.

³ *Ib.* p. 303.

moral law itself is not an end in itself, but only souls or wills recognising and regulating their action by the moral law." ¹ These two statements taken together give all that we are contending for, with the proviso that punishment asserts such a law, not as something alien and external to the sinner, but that it asserts it because it *must* assert that which is common to him and to His Heavenly Father.²

No doubt it is grossly immoral to express the instinct of revenge when it stands in opposition to a judgment of the Practical Reason. But there is no absurdity in holding that in the moral man reason ought to be coincident with instinct. Instinct can be rationalised, or sublimated, and so become the spring of the moral judgment. When this is the case, the moral man naturally reacts against the immoral act of another. At a lower stage, he might have leaped upon the offender and vented his anger; but now an impersonal judge acting in the name of the law of the community, which is an approximation to the law of God, reacts in such a way that by the ministry of pain, the evil will may be guided to choose the good. We are concerned just now with Divine punishment; but it has been necessary to make this digression, since retribution is objected to frequently

¹ *The Theory of Good and Evil*, i. 301.

² Thomas Aquinas, *S.T.* i. 2, q. 87, art. 1: "Now it is evident that all things contained in an order, are, in a manner, one, in relation to the principle of that order. Consequently, whatever rises up against that order, is put down by that order or by the principle thereof. And because sin is an inordinate act, it is evident that whoever sins, commits an offence against an order: wherefore he is put down, in consequence, by that same order, which repression is punishment."

on the ground that it is merely instinctive and irrational. If, it is urged, the vindictive impulse, which is retribution in germ, is immoral, it cannot be right to ascribe any form of retribution to Divine punishment. But when we start from the other end, and look upon instinctive and impulsive actions as pre-moral and implicitly rational, because the Immanent Life of the Logos operates in them, we can say that the moral reaction in retribution is the explicit moral judgment come to consciousness. As Piesaguet says: "The connection with the *lex talionis*, then, lies not in the *lex talionis* expressing in full a sentiment of which the doctrine of punishment for punishment's sake, or of retribution, is an embodied relic. It is said that the customs which resulted in the *lex talionis* embodied a rude fore-telling of the truth that wrong demands a negation, which has become, and is becoming, more and more obvious as the disguise of anger and revenge is being stripped off the necessary social reaction by the advance of civilization."¹ It is unfair to prejudice retribution as a reaction without respect of persons against an evil will by confusing it with vengeance, anger, and vindictiveness. Retribution is just those things purified from arbitrariness, cruelty, and self-interest. ". . . First of all, moral resentment wants to raise a protest against wrong. And the immediate aim of punishment has always been to give expression to the righteous indignation of the society which inflicts it."² If we must be

¹ *Some Suggestions in Ethics*, p. 197.

² Westermarck, *The Origin and Development of the Moral Ideas*, i. 80.

anthropomorphic, let us explain God's actions by means of man's best.

The ethics of Hegel, which sets forth the ego as gradually explicating its latent content and implicit character by means of an inherent dialectic, has a place for punishment as deterrent and reformative. The finite will reacting to the experiences of life unfolds itself as moral and religious. But the kernel of the theory is retribution. In the wake of the evil will there follows the moral law, which is its condemnation. The will is revealed as evil simply because it stands over against an infinite element that demands to be made explicit, so that it may pervade and take into itself the mere finite will set on its merely individual preference. Crime may exist, but it has no reality ; reality must demonstrate the paradox—it must disannul the merely existent. " By crime something is altered, and exists as so altered. But that existence is the opposite of itself, and so far null. But right, as absolute, is precisely what refuses to be set aside. Hence it is the manifestation of the crime that is intrinsically null, and this nullity is the result of all crime. But what is null must manifest itself as such, and make itself known as that which violates itself. The criminal act is not the primary and positive, to which punishment comes as the negative. It is the negative, and punishment is only the negation of a negation. Actual right destroys and replaces injury, thus showing its validity and verifying as a necessary factor in reality." ¹ Were there no moral law there would be no crime, and there could be no

¹ *The Philosophy of Right*, E.T., by S. W. Dyde, p. 94.

punishment; a universal element lies behind them both. The reality of justice must be asserted in and by the sinner's will. Retribution is thus understood by Hegel. It is not so much the pivot of the other two elements, deterrent and reformative, "it is itself the notion of the whole, a principle within which the other aspects are contained."¹ "The reformation which punishment should bring about is not an addition to the first principle, but is rooted in the latter; it is the assertion of the criminal's own intrinsic will regarded from a special angle. So too, punishment deters because of the identity in substance of all individual wills, and its particular modes are developments which punishment undergoes when the right it asserts and restores is no longer abstract, but is articulated into the law of an organized state. There is no need to find a further principle to explain the system within which retribution, reformation, and prevention fall. The idea of retribution is itself the notion of which that system is the idea."² We have travelled a long way from the Deism of the Kantian retribution, which is concerned with a mere vindication of the abstract moral law. The crime is in the sinner; he has negated his real self. Punishment is complex because it is concerned to vindicate the moral law as something that ought to be in the sinner. "This is the double character which keeps all the aspects of punishment together. It is a negation of an evil will which has been realised in action. . . . Deterrence and reformation are subordinate aspects implied within

¹ H. A. Reyburn, *The Ethical Theory of Hegel*, p. 151.

² *Ib.* pp. 151-152.

it ; not consequences beyond it to which it is a mere instrument, and by which, therefore, it could be determined without limit." ¹

In conclusion, let us remind ourselves that the theory of punishment must be interpreted in the light of the Incarnation, which reveals how the presence of Christ within the human soul can use a painful state of mind as an avenue to peace. Our Father educates us. The Holy Spirit dwells in us, and every thought of holiness is His alone—His—to be made ours, when we accept the gift. When we are conscious of having refused the good, by the grace of God, we are rent into a higher and a lower self. And the former, being the reflection of the Holy One in whose image we have been made, stands over against the other and pronounces a judgment that causes us pain. According to Seneca, "the first and greatest punishment of sinners is the fact of having sinned," ² and Kant, who lacked the basis of an all-pervading Spirit so characteristic of Stoicism, could say in his cold way, "There is something further in the idea of our practical reason which accompanies the transgression of the moral law—namely, its *ill-desert*." ³ But Philo, under the influence of the Old Testament

¹ B. Bosanquet, *Some Suggestions in Ethics*, p. 207. Cf. G. F. Barbour, *A Philosophical Study of Christian Ethics*, p. 409, who, while accepting a retributive element, treats it as subordinate to the reformatory: ". . . a more adequate conception of the purpose of the Law leads us, not indeed to discard the retributive view of punishment, but to treat it as subordinate to the reformatory view. For the highest aim of punishment is that, when it is seen to be the proper and inevitable consequent and outcome of sin, men should turn against the sin whose grievousness is now clear to them, and seek after a better way."

² *Ep. Mor.* xcvi. 14.

³ *Theory of Ethics* (ed. T. K. Abbott), p. 127.

and Platonism, is still nearer the truth when he writes : " So long as the Divine Logos has not come into our soul as into its abode, the deeds of the soul are blameless : for its guardian or father or teacher or whatever we ought to call that Priest by whom alone it can be warned and controlled remains far away from it : and those who sin through ignorance, without knowledge of what things they ought to do, receive pardon. Indeed they even suppose that they are acting rightly in cases where they commit great errors. But when the Priest who genuinely tests us enters into us like a perfectly pure ray of light, then we recognise the unrighteous designs harboured in our soul and our culpable deeds. All these the consecrated testing Power, having shown their defilement, bids us pack away and strip off, that he may behold the house of the soul clean, and if any diseases have arisen in it, may heal them." ¹ Dr. Stalker distinguishes the Sequent and the Antecedent conscience ; the former contains a retributive element : " No sooner is a decision come to, or a deed done, than there ensues a judgment favourable or adverse, a sentence of guilty or not guilty. . . . In the individual's own breast is, besides, the executioner ; because on the back of the sentence of condemnation or acquittal there immediately follows the pain of a wounded or the satisfaction of an approving conscience ; and of all human miseries or blisses this is the most poignant " ² Our Loving Father sent

¹ *First Disc. of moral*, par. 134 ff. See H. A. A. Kennedy, *Philo's Contribution to Religion*, p. 106 ff.

² *Christian Psychology*, p. 240.

the pain ; and of His grace we can allow the lower self to be pervaded by the higher. Our instincts and impulses have been baptised into Christ and have a purpose in which our self will not be divided, but will be one after the manner of God Who is One. He never denies Himself ; nor must we. But having done so, His grace may unify us, if we will it to be so. "The 'new man' is derived directly from the Father in heaven ; he is created in Christ Jesus ; and the transition from the 'old man' to the new is at all its stages, referred to the Holy Spirit, working through the agencies which He employs in the Church—the Word, the sacraments, and prayer." ¹ The moral order, which is the expression of God's Holiness that we have offended, is restored (retribution) ; we are reformed ; and we are deterred from future transgression. The victim is no mere means only, he is an end also. We may well agree with Professor Seth that "Christianity has so brought home to us this brighter side of punishment, this beneficent possibility in all suffering, that it seems artificial to separate the retributive from the reformative purpose of punishment." ²

¹ *Christian Psychology*, p. 252.

² *A Study of Ethical Principles*, p. 323.

CHAPTER VII

GRACE AND PUNISHMENT

A TREATMENT of this subject, if it were to be an adequate contribution, would demand a thorough analysis of the elements which compose the conceptions of Personality, Divine and human; but the Christian theist, who would attempt to state the philosophy of his religion, must remember that his faith centres in a Transcendent God. The image reflects the Original; but neither revelation, metaphysics, nor psychology supplies more than a bare schema of the natures of the Creator and created. "No man hath seen God at any time; the only begotten Son, which is in the bosom of the Father, he hath declared him."¹ But we call to mind immediately our problems in Christology. As for the nature of human personality, introspect and experiment as we may, with Kant we are obliged to confess that we are in a realm where things cannot be demonstrated to the satisfaction of the systematic intellect.

Whatever else God may be, He is our Creator, and He is Holy. He created us, not arbitrarily, but to fulfil a purpose; and we are morally responsible

¹ St. John i. 18.

to Him for every item within our control. Our dependence upon Him is continuous. The finite soul has some constant relation of dependence upon the Infinite: thus, while we cannot agree with the conclusions of Dr. Pringle-Pattison, we must affirm with him, that "Spirits cannot be regarded as things made, detached like products from their maker."¹ With Mansel we agree that "the world is not a machine; and God is not a machinic. The world is not a machine; for it consists, not merely of wheels and brass, and springs of steel, and the fixed properties of inanimate matter; but of living and intelligent and free-acting persons, capable of personal relations to a living and intelligent and free-acting Ruler. And God is not a mechanic; for the mechanic is separated from his machine by the whole diameter of being; as mind, giving birth to material results; as the conscious workman, who meets with no reciprocal consciousness in his work."² Our relation to God is such that we must confess that every virtue we possess is His: were it not for His ever present grace we could do nothing. On the other hand, He depends upon us, inasmuch as we are free to hold back the accomplishment of His purpose. This dependence, however, is His choice. He is Transcendent, and He is Judge. Men of free will may rebel. "And God has not overruled their liberty because it was misused, but submits Himself to their misuse of their powers, which are at bottom His, so that in Isaiah's tremendous phrase . . . He is made to

¹ *The Idea of God*, p. 315.

² *Limits of Religious Thought*, p. 168.

serve by their sins."¹ It is God's power that we misuse. Hence we cannot subscribe to the following statement of the Divine and human relationship given by Dr. Pringle-Pattison, which would demand a flow of grace from us to God: "The infinite in and through the finite, the finite in and through the Infinite—this mutual implication is the ultimate fact of the universe as we know it."²

All this may be regarded as postulated by Christian ethics: for Christian ethics is the application of Christian doctrine. A "finite" God; an immanent God; an "idea of God" psychologically true, but without objective existence,³ a *deus possibilis*: these doctrines sap Christian obligation at the root. Good can be absolute, and conscience final, only on the basis of the Christian revelation. "The love of man is not likely to survive long when the love of God has perished, nor can we learn to love with all our hearts except from the religion which teaches that it is in the voluntary humiliation of the Son of Man that the true character of God is discerned."⁴

God is Creator, and He is Holy, and He has a purpose. But we are Trinitarians: God is a Fellowship Divine. A solitary Person *in vacuo* is an absurdity. God the Father, God the Son, and God the Holy Spirit are knit in the willing of one Holy

¹ C. F. Gore, *Belief in God*, p. 116.

² *Op. cit.* p. 315.

³ E. S. Ames, *The Psychology of Religious Experience*, p. 318: "The reality according to the idea of God, it may be said, must include, at its best, all that is involved in the deep instinctive historical and social consciousness of the race."

⁴ A. L. Taylor, in *Report of the First Angl. Catholic Congress* (London, 1920), p. 36.

purpose. Quarrels and intrigues were common among the gods of classical mythology ; but in the Christian conception of Deity there is essential agreement of Holy Wills on a purpose. Dr. Matthews has pointed out the force of the moral element in the development of Monotheism within the Old Testament. Polytheism, in the religious thought of both India and Greece, did not pass into genuine Monotheism, because "practical" considerations were subordinate to "theoretical." "If we turn," writes Dr. Matthews, "to the religion of the Hebrews, we find a process of development towards Monotheism which was almost completely dominated by moral need."¹ Now in Plato the ethical interest is undoubtedly subject to the interest in Reality as such: the philosopher-king can justify clean hands and a pure heart on the grounds of metaphysical and cosmic consistency.² It is untrue, however, to the spirit of Plato to suppress the strong religious side of his thought. Logical consistency is for him the 'other' of religion. In the myths, where he portrays the great realities which transcend the discursive intellect, theism is the ground of Reality.³ Moreover, in the curriculum of education proposed in the "Republic," children are to be taught fables suggesting a Personal God, whose nature is goodness in itself. "It is right, I presume, always to represent God as He really is, whether the poet describe him in an epic or a lyrical or a dramatic poem. . . . Then surely God is good in reality, and

¹ *Studies in Christian Philosophy*, p. 48.

² See R. C. Lodge, "The Platonic Value-Judgment," in *The Philosophical Review*, May 1922.

³ See Stewart, *The Myths of Plato*, p. 51 ff. Cf. *Laws*, 903, B.

is to be so represented? Unquestionably."¹ Finally, "the gods can never neglect a man who determines to strive earnestly to become just, and by the practice of virtue to grow as much like God as a man is permitted to do."² Absolute Reality, then, in Plato, is much more than "the timeless realm of Ideas."³ Hebrew religion is steeped in Ethical Monotheism rather because it is the religion of revelation. The Psalmist ascends the hill of the Lord with clean hands and a pure heart, precisely because he is among His chosen ones. Were the Holiness of God not revealed, the Church would not have had to band the material for her doctrine of *περιχώρησις*.

Can we say that in man also, holiness is a condition of the unity of personality? Whether we follow St. Augustine, and see in the "image of God" a triphlicity of "the mind itself and the love of it, and the knowledge of it"; or modern psychology, and regard the soul as a bundle of instincts, we shall be obliged to ground the unity of the finite self in moral considerations. In Augustinian psychology, "these three things (*træ quædam*) are one; and when they are perfect they are equal."⁴ And to-day we are told: "The young child comes into the world a little animal, and for several years he remains hardly more than a psychological thing; . . . And the great task of his youth consists in the formation of a true self,

¹ *Rep.* 379.

² *Ib.* 613.

³ St. Aug., *Confess.* vii. 9: "And therein I read, not indeed in the same sense, but in the influence effect, endorsed by many and direct remark that 'In the beginning was the Word, and the Word was with God, and the Word was God.'"

⁴ *De Trin.* ix. 4.

which shall be the master and not the tool of his instincts and impulses. In short he must become a moral self." ¹ The *turba* ² of the natural man is what makes him unlike God: Christian theists believe that one cause only can smooth the troubled waters. The living Christ Himself is heard to say "Peace be still."

In the light of this preliminary and partial comparison of personality uncreate and create, let us pass on to the nature of the personal relation between them. If it is to be perfect, there must be active participation on either side. The human being will be consciously dependent upon the Divine; and the more intense his dependence becomes, the deeper the Divine will penetrate his life. An identical purpose, therefore, will be before both.

The image has a free will; throughout the Old and New Testaments man is regarded as a responsible being. He is not "full-grown," ³ but he is at such a degree of development towards being truly personal as to be in a relation of conscious dependence upon God. We are to judge him from the side of his potential nature, rather than from a merely "natural" point of view. Our system is teleological, and we view man as a developing creature who is in process of transformation. Modern psychology is not a little apt to throw the emphasis on the side of origins, and to see some sort of end in a sort of beginning: "Indeed the genetic study of mind results in a description of

¹ J. B. Pratt, *The Religious Consciousness*, p. 122.

² Cf. Isaiah lvii. 20; Vulg.: "*Impi autem quasi mare feriens quod quiescere non potest.*"

³ St. Jas. i. 4. See J. H. Mayor, *in loc.*

human life almost the reverse of that presented by Wordsworth. . . . *Earth* lies about us in our infancy – that is the plain, prosaic fact."¹ But while Professor Pratt states that the true task of the psychology of religion is "simply to study the religious consciousness just as any other science studies its object,"² this method of procedure is not such as to preclude the supernatural. When a mental state appears for which no evident cause can be assigned we may not dip down into brain action or to the "Unconscious" for a final answer to the question of its source. "We may frankly recognise the fact that any such stop-gaps are purely hypothetical and beyond our experience, and content ourselves with simply describing the phenomena as we find them, leaving the guess-work, for the time being, to others."³ But while such a method of study does not preclude the influence of the supernatural, the widespread willingness of students of the Christian system to accept the tentative findings of psychology is to be deprecated. Instincts and impulses and complexes are illuminating terms; they have helped us to clarify mental content. On the other hand, they tend to emphasise the continuity of the human with the brute to such a degree that it is difficult to see where there can be a place for a nexus between the human and God. Indeed, in some quarters the nexus is easy, for forsooth God is merely the social consciousness. "Religion is the consciousness of the highest social values."⁴ "The idea of

¹ J. B. Pratt, *op. cit.*, p. 191.

² *Ib.* p. 31.

³ *Ib.* p. 40.

⁴ E. S. Ames, *Psychology of Religious Experience*, Preface.

God, when seriously employed, serves to generalise and to idealise all the values one knows." ¹ I select this case to show how a psychologist can be so absorbed in the search for origins within the mind itself as to be unable to credit the idea so analysed with a counterpart in the supernatural. A similar paralysis dogs the reasoning of Professor Coe, who is interested in "psychology of values, functions, and self-realisations," ² when he tells us on the last page but one of his work that "these two are the main roots of the more obvious facts of religion—its dealing with affairs that are sacred, that concern some important group interest, and that have their culminating expression in a fellowship with a divine being. To say that these roots will live on for ever, or that as long as they do live they will nourish religious beliefs and organisations like those of the past, is more than any accessible data can more than approximately justify." ³ It is evident, then, that if the data are to be collected exclusively from the "natural" order, the psychology built on them cannot be regarded as including a treatment of the Christian consciousness. The relation between mind and nervous system has not yet been satisfactorily stated; and with this comparatively simple question unsettled, we would do well to accept no hypothesis which prejudices the case of the greater question of the relation of the image to the Creator. "However man came to his present stage of growth, there was given to him at some point in his long history a unique gift, the reason and

¹ E. S. Ames, *Psychology of Religious Experience*, p. 317.

² *The Psychology of Religion*, p. 13.

³ *Ib.* p. 325.

will which reflect the Supreme Reason, the Divine Will." ¹ Christian theism claims that there is a gap, nay, that there are gaps which experimental science and psychology cannot treat on the presuppositions of natural cause and effect. In short, there is no *Psychology of Religion* that can treat adequately the Christian consciousness, which is by hypothesis in constant and living dependence upon God by the same methods as it treats, say, the consciousness of the Buddhist. We are grateful for the findings of experimental psychology with its precise terminology which simplifies our work; but we cannot forget the peculiar *Idem* of our own problems. ² Man "is by nature God's child, and capable of being advanced by grace to a higher sonship, of which his natural sonship is the antecedent sign and conditional promise" ³

The human being, then, is bound to his Maker by a tie inexplicable. Delmonico, in treating of the birth from above, says that "the events themselves named and promised by the word, all occur in us in the depth of our consciousness and only now and then reflections of them fall from them upon our consciousness" ⁴ Divine agency we cannot contemplate in its beginnings and process, even as we cannot analyse the factors of physical life. Natural birth we cannot explain;

¹ J. H. Pomeroy, *The Unborn*, p. 37.

² L. J. Delmonico, *The Christian Idea of Sin and Original Sin*, p. 59: "Conscience itself may rightly be considered, not as a distinct faculty, but as emerging out of an elaboration and sublimation of instincts shared by the lower animals. But this does not touch the religious watch-dog, not of origin, but of the validity of moral judgments."

³ F. J. Hall, *Dogmatic Theology*, v. 188.

⁴ *A System of Biblical Psychology*, p. 69.

nevertheless certain of its conditions are evident ; similarly, certain conditions of the life of the spirit are evident to the educated Christian conscience.

In the first place, the relation from God's side will never be fitful or arbitrary. He wills the salvation of all men. Poverty of grace must, then, be put down to the unwillingness of free man to respond. Can we state any of the conditions of man's response ?

It is neither paradox nor tautology to say that man can respond precisely as he can respond. The vessel can carry only what it can contain. If filth and rubbish lie at the bottom, capacity is depreciated ; if the self is divided against itself, it pulls away from God while it pulls towards Him, or rather, while it allows itself to be drawn towards Him. Perhaps the downward pull is unperceived. But we are dealing with spiritual dynamics where forces are impatient of resolution. All my past is irrevocably present in every act I will, and it adds wings or lead to my efforts. Those complexes that have woven themselves about my instincts have their affects, and they pass easily into action.¹ My sinful past is part of the *me*. " Mammon " I could not choose, were it not congenial. My choices before they are made are prejudiced. The external world tempts me with something that is pleasant to me. God can give me only as much as I can take. His purpose for me I cannot love while the thoughts of my heart are uncleansed. Sin, or lawlessness, is its own punishment ; lawlessness

¹ Cf. A. G. Tansley, *The New Psychology*, p. 25 : " In cognition the mind takes cognisance of the object, the affect is the specific emotion aroused, the conation is the mental tendency or set towards appropriate action."

within my soul. Dr. Gregg speaks of "the inner law of moral compensation which cannot be evaded even by successful sin";¹ in the spiritual sphere "there is no exception to the rule that a man reaps as he sows."² And yet we are told that there cannot be retribution in the scheme of a Moral Governor whose Name is Love! The reply is that instability is the inevitable consequence of the double mind.³ The self that acts without singleness of moral purpose contracts inevitably a moral disease attended by pain. This is a fact of experience; and the universal witness to it throughout the literature of the ages proves that it is no accident. "Whether we include the *idea of law* as indispensably including sanction, or the *fact of desert* as a *feeling* of every rational mind, or the express reiterated declarations of Scripture, the same truth emerges, that the moral legislation of the universe . . . inevitably connects sin and punishment."⁴ Archer Butler proceeds to say that doubt on this point is tantamount to denying that anything is certain at all regarding the moral government of God.

Conscience, then, stands over against the sin-self; or shall we say that the sin-self withdraws itself from conscience—and from God?⁵ "Depart from me, for I am a sinful man, O Lord." The 'I' identifies itself

¹ Wisdom i. 8, *in loc.* ² *Ib.* xi. 16. ³ Cf. Ps. xi. 16; LXX.

⁴ W. A. Butler, *Sermons Doctrinal and Practical*, First Series (1854), p. 320.

⁵ Cf. Plato, *Lysis*, § 16: "To justice, he who would be happy holds fast, and follows in her company with all humility and order; but he who is lifted up with pride, or elated by wealth or rank, or beauty, who is young and reckless, and has a soul hot with insolence, and thinks that he has no need of any guide or ruler, but is able himself to be the guide of others, he, I say, is left deserted by

with its sinful state, and recognises that it cannot be a host for Christ. The self is not worthy that the Master should come under its roof. The practical problem is how the 'I' may shift its interest to the other element of the self. And this the self can effect by the grace of God in Christ. "The law of retribution is a law of moral life, and works itself out in the formation of one's character which is one's destiny." ¹ But that is not the last word: for in God's purpose there is another destiny for the soul. There is a place for a relation between God and the soul that may redress the balance of the self-conflicting self, a Father and son relation of conscious co-operation. While a trace of the image remains, the Original can be reflected; for man is free.

St. Bernard taught that the gift of free-will is the element which makes man a partaker of God's nature. "Freedom from necessity, however, belongeth to all reasonable creatures, whether evil or good, equally and indifferently with God." ² And the will is no isolated faculty: "in whatever direction it determine itself, (will) always hath reason as its companion." ³ Reason must advise as to what the good choices really are: and it is reason that passes judicial sentence on the wrong choice made. Then a second requisite follows: the good must be chosen as an end that satisfies. We must freely love what reason God; and being thus deserted, he takes to him others who are like himself, and dances about, throwing all things into confusion, and many think that he is a great man, but in a short time he pays a penalty which justice cannot but approve."

¹ F. R. M. Hitchcock, *Atonement and Modern Thought*, p. 228.

² *Concerning Grace and Free Will*, ed. by W. W. Williams, c. ii.

³ *Ib.* c. ii.

determines.¹ Now these two conditions are graces lacking in fallen man; and of himself he cannot acquire them. They are God's gifts. With free-will (*liberæ gratiæ*) God co-operates in the work of salvation by adding two gifts, *veniam sapere* and *plenum posse salvans gratiæ*.² The first presupposes *liberum concilium*, the second *liberum complacitum*: freedom of counsel and freedom of pleasure will ensure goodness of will and the true freedom of the whole man. "seeing that he can no longer will what is evil, nor fall in the attainment of what he wills." Mental elements are balanced when the will is good: internal strife is the consequence of an evil will. The sinner's punishment is the loss of *salvæ gratiæ*: God does not withdraw it—the will repudiates it. To Adam there remained "only freedom of will, and that subject to punishment, in that by its means he lost the other kinds of freedom, but it he could not lose."³ Misery is the sinner's lot—he finds himself out of joint with himself, and he becomes a misfit in God's world.⁴

We see then, in the light of this analysis, the answer to our question. What is the condition of man's response? He must set about the serious and life-long task of sweeping and garnishing his soul, by waiting on God in expectation for the reception of His re-creating gifts. If he will listen to the suggestions from God, and in His strength give effect to them, he will become a self, a balanced kingdom

¹ *Concerning Grace and Free Will*, ed. by W. W. Williams, c. iv.

² *Ib.* c. vi.

³ *Ib.* c. vii.

⁴ *Ib.* Introduction: "In St. Bernard's view *liberum arbitrium*, *liberum concilium* and *liberum complacitum*, are all three co-ordinated states, either actual or possible, of the one *voluntas*."

within, a son.¹ Conscience will grow less and less like the sword which turneth every way cleaving the soul in sunder: instead, it will express more and more the whole self as the image of God. It will then be describable in Rashdall's words: "Conscience . . . may be held to include not merely the capacity of pronouncing moral judgments, but the whole body of instincts, feelings, emotions, desires which are presupposed by and influence these judgments, as well as by those which prompt to the doing of the actions which they prescribe."²

The natural man who would, by grace, reach his destination, will determine to give a God-direction to each of his mental elements. Thought, feeling and will are to be co-ordinated into harmony by separate and continuous education. Daily life can be so arranged moment by moment that each window may be open to receive Divine influence. I must learn to think, and feel, and will, as did the Son of Man. "His life is full of energy and power. All the instincts of human life are harmonised. The balance between them is maintained in a strong and vigorous life. There is no conflict, no rebellious passion or impulse within. . . ." ³ The Historic Christ, God made Man, can be studied in the Gospel pages until His manner of life is understood and *caught*. The Great Example is before us to satisfy every element of our nature, if we would aim at an "eternal

¹ St. Aug., *Ps.* 1, 2: "If we have been made sons of God, we have also been made gods: but this is the effect of Grace adopting, not of nature generating."

² *The Theory of Good and Evil*, i. 175.

³ E. J. Bicknell, *Christian Idea of Sin*, p. 117.

purpose." The self is formed slowly and gradually by "the dedication, or purification, or right orientation, of intellect, desire and will."¹ The inward dispositions of faith, love and hope will, here on earth, weave about us the wedding garment without which we cannot appear at the Heavenly Feast. Just as misery and pain follow inevitably, once the self is disrupted, so joy and peace express the mental harmony of him who is in personal dependence upon God.²

If it be possible to speak of grace in this way, and to regard it as the continuous gift by the exercise of which man becomes a person, we may speak of punishment as the disintegrating effect of its repudiation. If I do not comply with those revealed conditions which make me higher than the brutes, I sink back into a state of clamouring and warring instincts.³ In the Platonic sense of the virtue, justice have I none. "For whosoever hath, to him shall be given, and he shall have abundance; but whosoever hath not, from him shall be taken away even that which he hath."⁴

In conclusion, let us observe that the Transcendence as well as the Immanence of God is essential to the making and saving of a soul. Modern psychology, by its method of investigation, takes cognisance of the second aspect only. "Man is now as civilised,

¹ K. E. Kirk, *Some Frontiers of Moral Theology*, p. 46.

² Cf. W. A. Butler, *op. cit.*, p. 245.

³ S. Henshall, *Immortality in Christ*, p. 37: "In fact, it is the loss of something which might have been attained which is most commonly set forth in Holy Scripture as the punishment of sin. It is the deprivation of life eternal, the having Immortality which was within our reach withdrawn from us."

⁴ St. Matt. xiii. 12.

rational, and human as he is because man in the past has changed things into shapes more satisfying, and changed parts of his own nature into traits more satisfying, to man as a whole. . . . His nature is not right in his own eyes. Only one thing in it, indeed, is unreservedly good, the power to make it better.”¹ Again, “The prophetic spirit, in both the leader and the led, is the human spirit attempting the hard thing where the easy thing might seem to suffice.”² For Professor Coe the religious experience is “a change in desire and in the ends of conduct.” Christian theism regards the tendency inherent in man for advancement as Divine, for the Incarnation has revealed the fact that God works through man; but until man wholly identifies himself with the purpose of the Divine, he must lack that “freedom of counsel” and “freedom of pleasure” which make his efforts possible. He who created us and preserves us—preserves us by re-creating us from within and from without—can teach us of those values which are congenial to our nature.

“Lo, thou art in confusion, tossed to and fro; thy heart as a ship is shaken about by tempests. Christ is asleep: awake Him that sleepeth, and thou shalt be exposed no more to the raging of the storm.”³

¹ Quoted by G. A. Coe, *op. cit.*, p. 200, from E. L. Thorndike.

² *Ib.* p. 223.

³ St. Aug., *Serm.* lvii. 10.

CHAPTER VIII

THE ATONEMENT AND PUNISHMENT

BOTH the New Testament and the witness of moral experience convince us that between the Holiness of God and the sinful state of human nature a great gulf is fixed; and when we would in all reverence inquire, for the confirmation of our faith, whether He, Who carries us across the depths, endured sufferings of which penal can, in any sense, be predicated, we are dealing with the central mystery of our religion. While, therefore, we attempt to deal with a problem whose solution we cannot know, it may be that the conception of punishment as a complex of elements, looking to the future as well as to the past, may enable us to avoid certain errors when we contemplate the sufferings of our Blessed Lord upon the Cross. At great cost He has written the law within our hearts, bringing us into personal relations with Infinite Personality, whose name is Holy; and in the process re-creating our instincts into personal agents. Sinners though we are, we are not confronted with a law external and unrelated to our nature, carrying the sanctions of rewards and punishments; we are constrained, by the love of One Who pleads within us, to enter into the fruits of His labours. By the things

which He suffered, He learned obedience ; and by His Holy Spirit, He plants the same spirit of obedience in us, so that we may participate in Blessed Fellowship with the Trinity, having become fellow-workers with God. But it was by His sufferings our peace was wrought ; and by His sufferings He was enabled to enter into His glory, whence our graces originate.

We then, who would seek to interpret Christ's sufferings, must hold fixed before us the great truth of the Holiness of God ; and, no less firmly, its implication, the potential holiness of man. The Christian theist who does less harbours the lie in the soul. Our ethics is derived from a revelation of the Character of God, and in this light we seek to justify the ways of God to men. To forget this warning is to become entangled in the jargon of the law-courts. Anselm, for example, saw that God's justice precluded the notion of the devil's proprietorship over sinners ; but he failed to see that God's justice differed from the current legal conceptions of his day. Neither civil nor criminal law will furnish an analogy to clarify God's dealings with sinners. Forensic language makes too little of God, and too little of sin. Anselm presents the alternatives, punishment or satisfaction,¹ and argues that since some men must be saved God is by necessity obliged, in Atonement, to choose the latter.² But if our guiding principle is the Holiness of God, it may be that the alternatives in themselves cannot stand—punishment being the inevitable

¹ *Cur Deus Homo*, i. 16-19.

² *Ib.* i. 14, 15. L. W. Grensted, *Short History of the Doctrine of the Atonement*, p. 122, quotes Sulpitius Severus: "*Fornicatio deputatur ad poenam, nisi satisfactione purgatur.*"

consequence of sin; and that the idea of satisfaction, with its feudal associations, must give place to a term that can express the completion of the earthly obedience of Jesus Christ sealed upon the Cross.¹ Punishment is never an alternative to any other condition, once sin has been committed. Christian theism assumes that the material universe, co-ordinated by the natural law of cause and effect, is framed to be the dwelling place for developing moral man. The moral order, which is the fullest expression of his moral nature, proceeds from God, Who alone expresses it completely; as do also the laws governing the material particles which compose his body and his world. Man, therefore, in his two capacities, suffers estrangement. In the first place, from God; and in the second place, from the natural order. Conscience and remorse, with pain of body, unite in proclaiming that he has strayed from the path where his proper function is fulfilled. Retribution? Yes: in two spheres the law holds good: to every action there is an equal and opposite reaction. But no sooner has the word retribution crossed our lips, than God's Holy Purpose assures us that all things work for good, and in the new light our sufferings become remedial.² It would seem, therefore, that no alterna-

¹ H. Rashdall, *The Idea of Atonement*, p. 352 n.: "... I do not think that the idea of satisfaction is really on a higher plane than that of punishment, but on a lower. Punishment at least suggests the idea of some objective ethical demand, whereas satisfaction represents simply the demand for reparation to personal honour."

² Berkeley, *Principles*, p. 143: "As for the mixture of pain or uneasiness which is in the world, pursuant to the general Laws of Nature, and the actions of finite, imperfect spirits, this, in the state we are in at present, is indispensably necessary to our well being. But our prospects are too narrow. We take, for instance, the idea

tive accompanies punishment ; and that we ought not to expect the work wrought by Jesus Christ to remove our punishments. To say that Christ bore our sins, is not to say that He bore our punishments : the axiom of personal responsibility obliterates such a thought.

Finally, to say that God demands satisfaction, and that Jesus Christ paid it, is to say too little. When the crowning act of the Son's loving obedience was fulfilled, human nature, as it was in Jesus, had loved the Father to the uttermost extent of human love. Man's destiny, in His case, was accomplished ; and henceforth it was to be possible for other men to fulfil their destinies. He, in His Risen and Ascended Manhood, could do in man what man, outside Him, has never done and could not do. Not only is the law brought within man's heart, but man will derive power to fulfil it and light to interpret his penalties. It is possible, then, to say that what Christ did satisfied the Father ; a very different thing from saying that the Father's relations to us were altered because Christ satisfied Him. " Perhaps few words would be found better calculated *to express the results* of Christ's sufferings and obedience in removing those objective obstacles and disabilities, which were the consequence

of some one particular pain into our thoughts, and account it as evil ; whereas, if we enlarge our view, so as to comprehend the various ends, connections, and dependencies of things, on what occasions and in what proportions we are affected with pain and pleasure, the nature of human freedom, and the design with which we are put into the world ; we shall be forced to acknowledge that those particular things which, considered in themselves, appear to be evil, have the nature of good, when considered as linked with the whole system of things."

of man's violation of the Divine law. Christ made not only a 'sufficient sacrifice and oblation,' but also '*satisfaction* for the sins of the whole world.' . . . But the use of the word is not so harmless where it is substituted (as it was by the Schoolmen) for the more Scriptural terms sacrifice and propitiation, in order to supply the means of *theorising* about the manner in which Christ's sufferings and *obedience* had produced the effects ascribed to them."¹

If we cannot speak of the work of Christ on the Cross as a satisfaction in Anselm's sense; and if He did not bear our punishment: how shall we interpret His sufferings and death? Sin entails punishment, and sin entailed the Cross: what then is the relation of the Cross to punishment? Sin and punishment have a new meaning when seen in the light of the Cross. The Cross deepens sin; the Cross lightens punishment. How?

Let us attempt to indicate the direction along which an answer may be sought, by stating the ultimate truths which underlie Anselm's alternatives 'punishment or satisfaction.' He recognises the tremendous distance which sin has placed between humanity and God; that God's justice demands the punishment of sin; that man cannot traverse the distance between himself and God, but that God must find the way; and that, being just, God's way will be characterised by justice at every point.

Now, if we throw all this into terms of personality, Divine and human, we shall be presenting the problem

¹ J. C. Marquand, *Lectures on the Atonement* (London, 1858), p. 136.

in terms which will commend it to Christian theism. The expression of God's Holy Will is the ultimate principle working in His universe ; and each event in our time series will have its value determined by the extent to which it manifests that principle. When God's purpose is accomplished, He will be All in all. But for the human race His purpose was incapable of expression, by reason of man's refusal to recognise and express it. Man, individual and corporate, had not only failed to realise his destiny, as the most adequate expression on earth of God's Holiness, but he had rendered himself incapable of expressing it. He introduced a positive principle, antagonistic to God, which once set in motion could not be arrested : he, by sinning, had interrupted the personal relationship between himself and God. He voted himself outside the conditions of the realisation of his potential nature ; and his state of mind, conscious of alienation from God, removed him from intercourse with his ultimate source, his present help, his ultimate destiny. He had created for himself, as a condition of life, a principle in opposition to the principle of His being, which is the principle of the universe.

Hence, personal relations cannot be re-established until that principle is set aside ; and moral progress cannot be made until the condition of that progress, the Holiness of God, is asserted by man himself. But no man, born, *ex hypothesi*, under the conditions of the principle antagonistic to personality, can assert it.

In Jesus Christ we see the adequate expression in the time order of the Holiness of God ; He is the manifestation in terms of human personality of the

ultimate reality. His Will and God's were co-incident at every point. His every act is a revelation in human life, by human life, of the purpose of God, and of His purpose for man. And on the Cross, the zenith of His action, we see Him asserting the harmony of the Divine and human will, which is the ultimate purpose, as far as we can grasp it, of creation.

On the Cross He asserts, first, the Holiness of God in conflict with sin. Sin entails suffering and death, its punishment. It is of the very nature of Holiness to assert itself in the face of opposition. Jesus Christ bowed His Head, and drank the cup which the sins of men had mingled for every child of the human race; demonstrating the fact of retribution in God's world.

We do not say that Jesus Christ was punished, or even that He suffered vicarious punishment; we say that He suffered the punishment consequent upon the sins of the race of which He willed to become a member. There is nothing unethical in saying that the just willed to suffer the penalties caused by the unjust. He suffered that which in the case of other men is punishment, but which in His case could not be punishment. It is in this sense, then, that we can affirm a penal element in the death of Christ.¹

¹ C. Gore, *Belief in Christ*, pp. 296-7: " . . . we need to distinguish the idea of vicarious sentence and vicarious punishment; and I think we shall find that we can repudiate the second while welcoming the first. . . . The Father, in the divine providence that governs the world, sends our sin—and the sins that crucified Christ—were the normal sins of men—light upon Him, in exactly the same sense as all the world over the sins of men are vicariously borne by their victims: the sins of parents by their children, of children by their parents, of rulers by their people, and of people by their peccators. The Father simply sent the sin into the world, and under the normal actions of its moral laws, did not interfere."

Secondly, it is as man that He asserts the Holiness of God. He asserts the truth of man's nature, the willingness to realise in Himself the purpose of God as it was revealed to Him. He cancels in His own case the antagonistic principle under which men were doomed to live, cancels it by asserting, in Himself, the principle of human nature, Holiness.

We can say, therefore, that on the Cross Jesus Christ asserted Holiness as the truth of God and the truth of man; and that He asserted it by accepting the penal consequences of the principle which His brethren had substituted for it.¹

But we have said that punishment is alienation from God; possibly death derived its penal nature from the fact that man in death passes from one stage of existence to another where the alienation will be more acutely felt. In death the soul passes from the material to the spiritual sphere where it might be in fuller relationship with the Father of spirits. In the case of our Lord it is clear, from His word on the Cross, that some sense of alienation from the Father was experienced. He was fully conscious, to a degree

¹ J. K. Mozley, "The Atonement," in *Fundamentals of the Faith*, pp. 89-90: "The victory of the Cross lay in its consummation of Christ's lifelong confession of God's holiness through the perfect sacrificial offering of Himself by the undeviating energy of His will to the service of God's Kingdom, and *pari passu*, in the judgment there executed upon sin, a judgment final in kind, because the crisis of Christ's life was also the crisis of evil's effort for world-mastery. For evil to fail then and there was to fail irretrievably and for ever. And accordingly as we look on the one hand on Christ's confession of God's holiness brought to perfection in the Cross, on the other on the judgment upon sin which went along with it, we shall see that there is something which we can by no means afford to give up in the old ideas of the satisfaction which He made to God, and of the penalty of sin which He took upon Himself."

we are unable to fathom, of the meaning of the death which He endured. He experienced the consequence of men's sins. Can we not say that He felt within Himself the struggle between the Presence of God and that principle which makes for its alienation? Was His consciousness not a battle-ground between two factors, one of which, in His case, was doomed to failure? "The cry, *My God, My God, why hast Thou forsaken me?* in so far as it is a cry of despair at all, is a cry of despair lest indeed separation from God should be the issue of the last conflict. . . . But He still calls God 'My God'; that fellowship was unbroken. Therein was the Lord's victory over death. It had no power over Him, for it could not draw Him away from the Divine Presence, although the struggle rent His soul. God had not forsaken Him."¹ Our

¹ J. H. Bernard, *Via Crucis*, p. 42. See p. 43: "Like all the other words from the Cross it helps us to understand a little of the mind of Christ. And it seems to show us that His victory in the hour of darkness and desolation depended upon His close and imperishable fellowship with God, unbroken though not fully realised at the supreme moment." But see *Belief in Christ*, p. 298: "Neither the Agony in the Garden nor the great question upon the Cross appears to suggest any consciousness on our Lord's part of being identified with human sin. Purely and simply they suggest the agony of a righteous soul—conscious as neither Job nor the Psalmist could be of perfect innocence—finding itself, in a world which it knows to be God's world, exposed to ignominy, failure, outrage, and death, while God remains silent and does nothing. That Christ should have asked the great question—'My God, My God, why didst thou forsake me?'—and received no answer is, for all who feel the like trial in whatever degree, a cause for profoundest thankfulness. But I cannot see any reason for believing that He experienced in His spirit the sense of the Father's alienation from the sinner." If death is, in any sense, penal, this statement would appear to be guilty of excluding a sad and relevant note into our Lord's experience of death. And the last word, "Father, into Thy hands I commend my spirit," surely does not warrant the words, "and received no answer."

Lord, then, experienced something of the alienation from the Father which is the punishment of sin.

It is not, however, from this aspect of His death, as the departure from the body, that we can catch its meaning. God's penalties are not merely retributive; they are indicative of what reality is, and of its possibility of realisation in the lives of men. "I have a baptism to be baptized with, and how am I straitened (συνέχουσι) until it is accomplished."¹ The Christian system is teleological. After His Passion, Christ's spirit is quickened, and even in Hades His Advent is a mission to the dead; after His Ascension, the graces of His Perfect Manhood are conveyed to the living by His Holy Spirit. In the mortal condition He was outside men, unable to penetrate humanity by His presence; in His Ascended condition He can dwell within them, and they in Him.²

The particular grace given unto us which concerns us here is the new light which His death sheds upon sin and punishment. He imparts to us the spirit in which we can interpret our unremoved penalties. We know that He has asserted for us the Holiness of

¹ St. Luke xii. 50.

² J. A. F. Gregg, "I am the Good Shepherd," *Expository Times*, August 1920: "And thus, while Christ was in the flesh and not yet ascended, He was among men, but He was not in them. He could influence them, but He could not indwell them. Till He had died out of earthly life, He was shut out from their inner lives by remorseless bars. He could not give them life and give it more abundantly. . . . The resulting change in the disciples was patent to all. The life which had been concentrated and sealed up in Christ before His death was poured out on them as richly as when the winter frosts relax their grip upon the fountains and the waters flow again with returning spring."

God and the holiness of man, at the great cost of bearing the penalty of that which contradicted it: we know too that He asserted it as man: and that He conveys to us the power to assert it in ourselves. He has purged our guilt by giving us a good conscience. When we wait upon Him, and accept His Will as the principle of our nature, we are identified with Him and are in Him.¹ The thoughts of our hearts are cleansed by the inspiration of His Holy Spirit. Punishment becomes a discipline; we can enter upon suffering as He met it, and vindicate the reality of human nature. In this way we are partners in His sufferings, because partners in the fulfilment of God's Holy Purpose. Death loses its sting. The way of the valley of the shadow of death becomes the royal road of the Cross.

The penal sufferings and death of Christ, when interpreted in this light, become the Holy means whereby the penalties of our life in this mortal state become reformatory, because they liberate the Personal Power of Christ which, co-operating with our wills, brings us into fellowship with the Blessed Fellowship of the Trinity of Holy Love.

If punishment were merely retrospective, or merely prospective, it would be impossible to interpret the Atonement in the light of personality. Personality is the ultimate reality, and being an end must look both ways. Punishment has no meaning apart from persons. We inflict pain upon an animal in order

¹ F. R. Montgomery Hitchcock, *The Atonement and Modern Thought*, p. 230: "Hence a new relation is formed, in which a recuperative influence arises which can make the sinner a new creature, and thus the restoration of the sinner to the Divine life restores the constitution of God as far as the sinner is concerned."

that it may associate pain with certain actions on its part which we wish to discourage. We would have the animal form good habits. But when we punish human beings, our motive reaches far beyond the range of habit. We would encourage their powers of reflection: we would build up character, or at least provide the opportunity for its development. Habit in a human being has moral value in so far as it is the result of deliberation on conflicting motives. We punish the man because of his past, and because of his potential future; and our action implies the two elements, retrospective and prospective. So with Divine punishments. God would express Himself, Holy Personality, in men and women; and when, and as often as, we have failed to express Him and ourselves, we express an internal discord, our potential self and our present sin-state. The Divine image and its contradiction are at war. Shall we interpret our pain in the spirit of pessimism, and see in it only retribution, and pass into the despair of remorse? Or shall we, in the light and in the strength of Him who asserted to the full what in us is merely potential personality, see in our pain the painful assertion of what is good? The element, which in the first case becomes remorse, will now become guilt, only to be pardoned and dissipated by Christ who is at one with the law within us. By His grace, and that alone, can we be reformed by punishment: for He alone could, and did, use the penalties natural to human beings to express the holiness of human personality.

Human personality is at all times concerned with ends of conduct, and so it must, if it will develop,

order its experiences in the light of an end which is moral. Hence, it will transmute penalty into the means of growth. In the case of Jesus Christ, the pains of life were unmerited, and although we cannot speak of them as punishments, we can see that He used them for the end they were meant to serve in our world of sin. He learned obedience by the things which He suffered. "Thy will be done" is the guiding principle of His life. He voluntarily chose to accept the penalties of human life and to interpret them in this light. But it is only sinners that require reformation; and so we cannot say that the penalties He suffered were reformatory. In Him there was no sense of guilt, there was nothing to reform. By the ordinary experiences of the world He grew in wisdom and stature. And in His case growth was a natural process, unchecked by the principle that makes for the disintegration of personality. It was all "for us men and our salvation." And now by the grace of His Ascended Manhood, His own Presence within the soul, we have the power to learn obedience by the things which we suffer justly, because we have power to use them as means to the highest end, the expression of our respective purposes in the Kingdom of Heaven.

In Jesus Christ on the Cross we see the highest possible revelation of the Transcendent in the form of time. The mystery breaks alike all our everyday and our philosophical categories, and refuses to be grasped by them. St. Paul tells us that if we are "in Christ" we are new *creations*; the work of the Ascended Christ in our hearts is mystery also. The stirrings of the Holy Spirit within the human heart

are as impatient of analysis as the movements of the wind. But the Spirit within us cries "Father," and we know thereby that we are His. Certain psychologists tell us that man has not merely the ability to organise his mental content, but that he can also desire new values hitherto unrealised. He has the wonderful power of being discontented with the values he experiences. "Human nature, then, is not merely a current that flows by reason of the law of gravity ; it has also the peculiar property of resisting and directing its own flow." ¹ Professor Coe goes on to say : " The bearing of all this upon the psychology of religion is direct. For the points at which the sharpest conflicts occur between new functions and old are the points at which religious consciousness is most acute. Here the religious experience itself is a revaluation of values, a reconstruction of life's enterprise, a change in desire and in the ends of conduct." Thus functional evolution is as fundamental as structural evolution in the case of man. We are in touch with Creative Personality when we are creating new values. Modern psychology emphasises the immanent at the expense of the transcendental: man's power to raise himself to a higher level is not his own ; it is his co-operation with God's creative power which causes a transformation in his values. In the process of setting higher ideals, and in the process of realising

¹ *The Psychology of Religion*, p. 221. See also H. Höffding, *The Philosophy of Religion*, p. 251 : " If the background of a feeling changes, the feeling must change with it ; and where the background is monotonous and unchangeable, the feeling will weaken and gradually disappear. Value can only be preserved by means of transformation."

them, man is expressing his potential nature and fulfilling his creative function in God's world. The Death of Christ has liberated for us the Power of His Person in our hearts so that we may live no longer to the world, but to Him.¹

¹ A. H. McNelis, *St. Paul, His Life, etc.*, p. 280: "Likewise, potentially, Christ takes the place of man's self, so that as a Christian it is not he that lives but Christ; and St. Paul describes God's purpose in converting him in the words: 'He pleased God . . . to reveal His Son in me.' But this is, in fact, a spiritual process, so that he prays for his readers that 'Christ may be formed in you,' and that 'Christ may dwell in your hearts by faith.'" H. Scott Holland, *Heeds and Ethics*, p. 180: "... the full consummation of our nature is, in itself, effected from beyond nature, and verifies its transcendence by completing the immanent growth."

CHAPTER IX

THE STATE AND PUNISHMENT

WHATEVER may be the final answer to the problem of pain in its entirety as affecting the human and the brute creation, it is evident that religious considerations enable us to isolate a certain amount of pain, and to regard it as directly caused by wilful transgression of the laws of God. We have been warned against tracing an infirmity like blindness, or a calamity like an earthquake, in every case to human sin: the works of God are made manifest in ways that pass our comprehension. And yet we know that human folly will not stand the test of the floods of experience; if we build the edifice of character on a foundation of sand, most assuredly it will topple and fall like the house that Jack built. And even though the Sodoms of history leave us unmoved, human tears were shed over Jerusalem which knew not the time of her visitation.

Some pain, then, is caused by sin; and when we would attempt to account for this cause and effect relation on the basis of the Fatherhood of God revealed in the New Testament, we can discover three elements in the theory of Divine Punishment.

We have been committed to a school for character over which our Heavenly Father presides in a giving relationship. Our school is a consistent mansion; for, in the first place, it is what is called the natural order, an abiding panorama of regular happenings. The blade and the ear stand to one another in a fixed relation; and we learn to adapt our habits to it. Secondly, our school is moral and religious. Revelation and conscience teach us to adapt our mode of living to a law of love, which makes the demand that we shall harmonise our lives with the Will of our Father in heaven.

These two departments, be it noted, are departments within the same school; the realm of nature and the realm of grace proceed from One Creator Who would train our whole nature, intellectual and spiritual, to reflect and participate in His Holiness. It is evident, then, that the natural and the spiritual spheres are in league with one another in such a manner that either may react unfavourably if we deliberately vote ourselves out from the other. Disobedience to the claims of conscience may reasonably be accompanied by physical pain, and must inevitably be accompanied by the pains of inward dissatisfaction.

The law of retribution is thus seen to be a special case of the law of love. Love, compulsion being out of the question, reveals in the most forcible way possible the loss involved by disobedience to the laws of moral development. And the sinner who has caught the meaning of his penalty is deterred from subsequent transgression, and may reform. God in Christ through the Holy Spirit spreads out before

him the golden thread of a life purpose on which he may string the beads of a manifold experience.

Can it be maintained further, that in the case of human punishment, and more particularly in punishment inflicted by the State, these three elements are present? Can man, individually or collectively, take over such a theory of punishment when he attempts to justify the penalties which he inflicts upon his brother man?

If we were concerned only with ethical considerations, the question would be less difficult to answer; for the problem passes outside the field of social ethics and passes into the field of criminal law. In God's sight the intention and the motive of the sinner are spread out in light clearer than the noonday; whereas these things are hid in great measure from the judge and jury in a court of law. No amount of examination, thorough as it can be made, will reveal the mentality of the criminal in its entirety. Man is not infallible when he tries his brother man. When God punishes, we know that the sinner suffers exactly what he merits; in a court of justice the perennial problem is to make the punishment fit the crime.

Though this distinction is accepted in the distinction ordinarily drawn between sin and crime, it has not been remembered by certain zealous moralists who would prohibit by State interference offences against the laws of God. Whether a man will play golf on Sunday is a question between himself and God; he must determine whether it be a sin or not; once the State legislates against Sunday golf, the game

becomes a criminal offence when indulged in on Sunday. This step the State will take only when it considers the action in question to be subversive of its good. "... the tendency of modern legislation has been to distinguish—more sharply than in former generations—sin from crime, and to remove sins as such from the category of acts that are punishable by law, provided that they do not directly menace the peaceful order of society."¹

Crime and sin are distinct because they relate offences to different laws; on the one side, to the law of man, on the other, to the law of God. If a State were entirely Christian and its laws perfect reflections of the Divine, crime would be sin, and sin crime. Things being what they are, this cannot be the case, and even in States nominally Christian, the statute book is but a very imperfect assimilation to the Divine plan. In man's fallen state the religious and civil cannot be identical, though we may work to make them so.

What is a State? The wise behold in her
A creature born of time, that keeps one eye
Fixed on the statutes of Eternity,
To which her judgments reverently defer.
Speaking through Law a dispassionate voice, the State
Endues her conscience with external life
And being, to preclude or quell the strife
Of individual will, to elevate
The grovelling mind, the erring to recall,
And fortify the moral sense of all.²

¹ J. H. Bernard, "Crime and Punishment," *The Quarterly Review*, January 1923. See J. Locke, *Essay*, II. xxviii. 7.

² Wordsworth, *Sonnets upon the Punishment of Death*, ix.

The State is a complex of rights and obligations which are bound up with its very existence in such a way that if they are infringed beyond a certain point, the State itself would disappear into the *bellum omnium contra omnes*. Hence the State must penalise him who offends against the laws which express unambiguously its title to existence. If a man's action is subversive of the very condition which makes him a man, namely, the body politic, the condition must react to deter him and others from repeating the offence.¹ The State, in the first instance, punishes to deter its criminally disposed members from resolving it into chaos.

The right to deter from crime is inherent in the State; the State is obliged to assert the law in the face of deliberate opposition. This obligation it owes not merely to the citizens who may have suffered by the breach of the law, but also to the conditions which give it being. What are these conditions? We are not bound to defend any particular theory of the origin of the State; it is enough that we recognise that unless certain laws are issued and obeyed, society would not exist. What we do affirm is that these laws, in the last analysis, are grounded in morality and religion. It has been shown by Professor Peabody that co-operation as an economic experiment is a distinctly moral movement. "Where the co-operative

¹ Cf. Gen. ii. 18; H. E. Ryle, *in loc.*: "Man is created a social animal. His full powers cannot be developed by physical and mental work alone; nor his moral being by self-discipline in solitude. His faculties and his character require to be expanded and beautified by the duties of domestic and social life, as a member of a family, as a friend, as a fellow-worker, as a citizen."

man is lacking, the economic scheme fails. What has wrecked many sanguine enterprises in co-operation has been, as a rule, not their business difficulties, but the lack of patience, self-sacrifice, or honour among the co-operators themselves.¹ In state-craft also ethical considerations are paramount. Christian ethics demands that our school for character, *qua* civic, must conform to the pattern revealed on the mount. Hence, although the State may not be directly concerned with the promotion of morality, it cannot hope to develop if it recognises and protects rights not grounded in the nature of things.² "Thy will be done in earth, as it is in heaven." We have to establish here such a social order as will reflect in history the Kingdom of Heaven. We must render both to God and to Caesar their dues; but if Caesar is of God and dependent upon Him, will he not be as just as possible when he frames his laws in accordance with God's? In the teaching of St. Paul the Emperor was God's vice-gerent; the seer in the Book of Revelation describes the goal to which all history moves thus: "The kingdom of the world is become the Kingdom of our Lord and of His Christ."³ The ideal can be consummated if the State is a minister "for good" (*ἡ δὲ πόλις ἀγαθή*).⁴ St. Paul "uses that simple, inexhaustible word 'for good,' which he employs in the same Epistle of the highest conceivable 'Good,' which

¹ F. G. Peabody, *Jesus Christ and the Social Question*, p. 97.

² J. H. Bernard, *op. cit.*: "As in the Divine Order sin issues in pain, so in the crime issue in punishment in any society whose laws reflect the laws of nature and, so far as we understand it, the law of God."

³ Rev. xi. 15.

⁴ Rom. xiii. 4.

is the portion of the children of God (Rom. viii. 28)."¹ Dr. Oppenheimer makes the following criticism upon this "theological view" of punishment: "A theory which rests upon faith alone may satisfy the mind of a theologian. To the philosopher or legal inquirer a doctrine which refers him to the unknowable for the solution of his problem can never be acceptable. He may well be allowed to ask why the Lord should require mortal hands to avenge His outward majesty, and why He has not deigned to endow man with the full store of His Divine wisdom if He has entrusted him with a function to the proper discharge of which omniscience is a necessary condition."² This is not the place to enter upon an apologetic for Christian theism; nevertheless we may remark that without faith not only religion but philosophy and ethics are bankrupt. Values not yet realised by the masses of men and women, even though they are accounted for by an evolution hypothesis, must be believed in as satisfying to the human being, else we should not attempt to reform the world.³ And the peculiar fact, with its implications, on which our faith is staked, the Incarnation, enables us to understand why the State can be a minister to us for God. Ideally and potentially, human beings are knit together in Christ: He pervades individual men and women, and communicates to them His Humanity, the Humanity which

¹ T. von Haering, *Ethics of the Christian Life*, E.T., p. 408.

² *The Rationale of Punishment*, pp. 185-6.

³ W. R. Inge, in *Religion and Life*, p. 10: "What distinguishes faith from empirical knowledge is the recognition of an objective, independent, eternal standard of values, not yet realised in our present experience, but by which all experience is to be judged."

has authority to forgive sins here on earth,¹ even as He will judge at the Great Assize.² Through men individually and corporately God works out His eternal purpose. And the State is one of the means by which He leavens the world. Its existence hangs on His sustaining power, and to it He communicates the authority (ἐξουσία) to rule and to punish. The power (δύναμις) is God's. To man is committed the task of subduing the earth, and his dominion is wielded not only over the fowls of the air and the fish of the sea, but also over himself. "For in him (Christ) dwelleth all the fulness of the Godhead bodily (συνικατέσθη), and in him ye are made full, who is the Head of all principality and power."³

Nor is it necessary that if men are to wield the sword for God they must be omniscient; for it is not sin, but crime that they punish. If a particular crime be also a sin, we know that it is to God that we are accountable for its sin-quality. We do not suggest that once the State has punished a thief, God has nothing more to do in the matter; nor, that if he has escaped the arm of the State, God releases him from punishment. It requires omniscience to declare the precise degree of sin latent in a sinful act; whereas, the court of law can determine with sufficient accuracy

¹ St. Mark ii. 10.

² St. MAT. xvi. 27. Cf. H. B. Swete, "Jesus Christ as Judge," in *The Meaning of the Creed*, p. 144: "Since the Incarnation this world is in the hands of a Mediator, and to Him all authority is given so long as the period of mediation lasts. The Judgment is the last act in this delegation of Divine prerogatives to the Incarnate Son, with it the Kingdom of the Mediator ceases, merged in the eternal reign of God. It is God Who will judge the secrets of men, but He will judge them by Jesus Christ (Rom. ii. 16)."

³ Col. ii. 9-10.

to protect the State whether the act is criminal. The legislator, according to Dr. Kenny, ought to satisfy himself upon six points, two of which bear on this question of omniscience. The objectionable practice "should admit of being defined with legal precision. On this ground such vices as ingratitude, or extravagance, or gluttony (unlike drunkenness), do not admit of being punished criminally." Again, "It should admit of being proved by cogent evidence. The untrustworthiness of the only available evidence has been one great cause of the reluctance of experienced legislators to deal criminally with offences that are purely mental, like heresy and conspiracy and the "compassion" of treason; and even with those which consist of merely oral utterances, like slander." ¹

The State's right to punish crime is inherent in its right to exist as a Divine-human *societas* mediating God's justice to its members. It must deter from criminal acts; but its right to deter is not an arbitrary function: it provides the social medium in which moral development is alone possible. It regulates a communion here on earth which is a foretaste of that which is to come.²

¹ *Outlines of Criminal Law*, 10th ed., pp. 26-7. Cf. p. 41: "... in most cases the law regards the criminal act as sufficient *prima facie* proof of the presence of this *mens rea*."

² See Burke, *Reflections on the Revolution in France* (*Works*, ed. 1882, p. 368): "Each contract of each particular state is but a clause in the great primeval contract of eternal society, linking the lower with the higher natures, connecting the visible and invisible worlds, according to a fixed compact sanctioned by the inviolable oath which holds all physical and moral natures each in their appointed place." See R. H. Murray, in *Anglican Essays*, p. 81: "If it (the State) possesses, according to Burke, a partnership in all that concerns the higher life of men, it is difficult to note

Lastly, the State deters in order that it may eradicate crime; and thus it can effect by reforming the criminally disposed. In St. Peter's words it exists also "for the praise of them that do well."¹ By deliberately promoting morality and educating the public conscience, it will make itself the best possible reflection of the harmony of wills in Heaven.

The retributive element in State punishment, as we have seen, consists in the eternal necessity laid upon the State of protecting a system of rights and duties in which that moral development on the part of its citizens required by the Christian standard of living is possible. The precise amount of penalty determined to effect this Divine mission laid upon the State will, therefore, vary from age to age; and it would be a manifest injustice to punish with greater or less severity than is required by the moral standards of the time. Before the work of Beccaria and Howard there was little or no attempt to adjust punishment to crime; the criminal might be tortured and abused beyond what we should consider the most rudimentary canons of justice. Any evil might befall him, and society had no interest in seeing that he readjusted his relations to itself. "Before the middle of the eighteenth century the law took no cognisance of reasons why it may not take its share in the raising of national life to a higher level. To our mind this forms the essential justification of State action."

¹ 1 Pet. ii. 14; F. J. A. Hort, *in loc.*: "The retribution, at once human and Divine, which is an immediate purpose of God's sending of the magistrate, is itself designed by Him to call forth on the other hand, as a positive result, a human approving recognition of well-doers, which again is an utterance of the approval pronounced by the Judge above."

criminals, only of crime. An infraction of the penal code was a crime to be punished savagely without regard to attendant circumstances, such as age, motive, or previous character of the delinquent. Even as late as the beginning of the nineteenth century a boy was sentenced to death in London for stealing a piece of calico from outside a shop in Oxford Street, though the sentence was subsequently commuted to transportation for life to Botany Bay.”¹ Beccaria’s “Crimes and Punishments” appeared in 1764, and was instrumental in reforming the prisons of Europe. The rights of the criminal are thrown into relief as never before. “The object . . . of punishment is simply to prevent the criminal from injuring anew his fellow-citizens, and to deter others from committing similar injuries ; and those punishments and that method of inflicting them should be preferred which, duly proportioned to the offence, will produce a more serious, efficacious and lasting impression on the minds of men and inflict the least torture on the body of the criminal.”² It is to Christian principle that this revolution is due, for Beccaria had clearly before him the distinction between political and Divine justice. He holds that while the latter is immutable, the former may vary with varying conditions ; but that it ought to conform to the Divine. “It appertains to the theologian to fix the boundaries between the just and the unjust, in so far as regards the intrinsic goodness or wickedness of the act ; to fix the relations between

¹ C. Bentham, Art. “Criminology,” in *Harnsworth Universal Encyclopedia*.

² E.T. by J. A. Farrer (London, 1880), p. 165.

the politically just and unjust appertains to the publicist; nor can the one object cause any detriment to the other, when it is obvious how the virtue that is purely political ought to give place to that immutable virtue which emanates from God."¹ The penalty he would decide by asking what degree of pain is necessary to ensure the safety of society: "punishments which exceed what is necessary to preserve the deposit of the public safety are in their nature unjust".² "the true measure of crimes is the injury done to society."³ It is clear that our view, which maintains an element of retribution in punishment, may recognise with Beccaria that the amount of penalty to be inflicted may be determined by the deterrent element. Bosanquet, who does not approach the problem of punishment from the point of view of Christian theism, is particularly strong on this, the deterrent element, as the norm of the penalty. In his case, State action is summed up in the formula of Rousseau, "that sovereignty is the exercise of the General Will."⁴ There is a retributive element, but "there is no principle on which punishment can be rationally graduated, except its deterrent power as learned by experience."⁵ Opponents of retribution so often imagine that the theory involves an exact tit for tat; that the criminal must receive exactly what his state of mind entitles him to receive; and it is urged,

¹ *Op. cit.* p. 115.² *Ib.* p. 114.³ *Ib.* p. 199.⁴ *The Philosophical Theory of the State*, 3rd ed., p. 215.⁵ *Op. cit.* p. 212. See also *Some Suggestions in Ethics*, p. 215: " . . . the adjustment of the detail of punishment may be allowed to depend upon effectiveness in deterrence, and in reformatory influence upon the offender."

rightly, that such arithmetic is absurd. But in these days he would be a callous thinker who would advise a return to the *lex talionis*: in our view, the retributive element merely provides the right to punish; the amount of the punishment will be prescribed by the balancing element of deterrence. We are concerned with providing a "transcendental" partner for the view of Dr. Oppenheimer when he writes: "If the essence of crime and its distinguishing mark from a mere civil wrong lies in the fact that it violates those interests, individual or collective, which society regards as vital, and if the true function of punishment is to protect the community from such violations, the gravity of the offence from the state's point of view, *i.e.*, the degree in which it endangers public order, can alone supply the standard of penal sanctions." The State cannot compel men to have moral dispositions, but it can, by adjusted penalties, deter them from those actions which manifest immoral dispositions; and while it is not directly concerned with moral states, it can in this way make them possible.¹

The second great name associated with prison reform in the eighteenth century is that of John Howard. In 1773 he was appointed sheriff of Bedford, and immediate contact with the condition of the

¹ T. H. Green, *Works*, ii. 508: "When the reformatory office of punishment is insisted on, the reference may be, and from the judicial point of view must be, not to the moral good of the criminal as an ultimate end, but to his recovery from criminal habits as a means to that end which is the proper and direct object of state-punishment, *viz.* the general protection of rights. The reforming function of punishment is from this point of view an incident of its preventive function, as regulated by the consideration of what is just to the criminal as well as to others."

prison there drove him on a long tour of research in prison conditions throughout the continent and the British Isles. In most cases the prisoners were scantily supplied with food and water, and were confined in dungeons which were hot-beds of disease. Writing of the air of the prisons, he says, "My reader will judge of its malignity when I assure him that my clothes were in my first journeys so offensive that in a post-chaise I could not bear the windows drawn up; and was therefore obliged to travel commonly on horse-back. The leaves of my memorandum book were often so tainted that I could not use it till after spreading it an hour before the fire; and even my antidote, a vial of vinegar, has, after using it in a few prisons, become intolerably disagreeable."¹ He is animated by the same sense of justice that inspired Beccaria, to whom he makes several references. He is no apostle of mere humanitarianism. "Those gentlemen who, when they are told of the misery which our prisoners suffer, content themselves with saying *Let them take care to keep out*, preface perhaps with an angry prayer, seem not duly sensible of the favour of Providence which distinguishes them from the sufferers; they do not remember that we are required to imitate our Heavenly Parent, Who is *kind to the unthankful*, and to the evil. . . ."² We shall look in vain in his catalogue of prison evils for any elaborate theory of punishment, for he was not a philosopher

¹ *The State of the Prisons in England*, 3rd ed. (1784), p. 7. The copy in the Library of Trinity College, Dublin, is inscribed thus: "The gift of the author, as a small testimony of his respect." The University conferred upon him the degree of LL.D. in 1782.

² *Id.* p. 12.

but a man of action, and civilisation owes him a debt for the bills which he succeeded in having presented to the Parliaments of England and Ireland. With Beccaria, he recognised that punishment should be "proportioned to fault."¹ Before his day confinement in prison promoted and increased crime, though the laws were framed to "correct and reform" criminals.² "To reform prisoners, or to make them better as to their morals, should always be the leading view in every house of correction. . . . As rational and immortal beings we owe this to them; nor can any criminality of theirs justify our neglect in this particular."³ It is a religious ideal which determines his idea of the functions of punishment.

In 1789 Bentham's "Introduction to the Principles of Morals and Legislation" appeared, having for its avowed object the reformation of legislation in general. He acknowledges his debt to Beccaria, who, with others, "set me on the path of utility." His ultimate standard of action is the principle of utilitarianism. An action is not in the first instance either right or wrong; it is right or wrong if it tends to promote pleasure or pain in the community. The virtues, to be sure, are valuable, but only because they tend to produce "the greatest happiness of the greatest number." His theory of morals is a psychological Hedonism that recognises in the Will of God and conscience only external sanctions valid because they may accompany the internal sanctions of pleasure

¹ *Op. cit.* p. 39.

² *Ib.* p. 10.

³ *Ib.* p. 39. His motto is: "*Parum est coercere improbos nisi probos efficiat disciplina.*" The deterrent and reformatory elements are interrelated.

and pain. Motives which are bad are those which do not contribute to the general good of the community when they are acted on, and to their resultant acts we affix pain, so that men may be deterred from adopting them. The right to punish lies in the duty of the State to provide the greatest happiness. "... punishments are so many evils, which are not justifiable except so far as there results from them a greater sum of good."¹ Accordingly, Bentham's theory is preventive, and that in three ways: by associating in the minds of the populace suffering and delinquency; by curing the individual of the will to do wrong; by even, if necessary, depriving him of the power to repeat the offence.² Against retaliation in the crude sense he advances many arguments: it is inapplicable and inflexible; in such crimes as treason, how is it possible to make the guilty one suffer evil similar to that of which he has been the cause?³

Two valuable points in Bentham concern the idea of this study. He recognizes the relation between morals and ethics upon which we have been insisting. His view of ethical obligation is poles removed from the Christian standard; but he teaches that the State is fundamentally concerned with the same general problem as the moralist. "Morality in general is the

¹ *Principles of Legislation* (Ch. I. from the French by R. Hildrath, 1864), p. 60.

² *Works*, iv, p. 174.

³ *Id.* i, p. 402 ff. It must be remembered that he recognizes in certain cases the propriety of an analogy between offences and punishment: "In the utterance of calumny, and the dissemination of false reports, the tongue is the instrument employed. The offender might in the same manner be publicly exposed with his tongue pierced."

art of directing the actions of men in such a way as to produce the greatest possible sum of good.”¹ Legislation ought to have the same centre with morals, but it has not the same circumference. Secondly, he would have the penalty determined by its usefulness to the community and not by the magnitude of the crime. “The same punishment for the same offence ought not to be inflicted upon all delinquents. It is necessary to pay some regard to circumstances which effect sensibility.”² Once the moral and religious background of the State has been established, Bentham’s theory will assist us in working out a practical system of punishment.³ He has failed to show that crime is wrong; he has only shown that punishment is useful. On his principles there is nothing to prevent the State from decreeing that a general state of thieving is conducive to the greatest happiness of the greatest number.

As late as 1832 we find Archbishop Whately emphasising the Christian background of State inflicted punishments. Punishment must be humane, and must not cause unnecessary suffering; hence “the law should give specific direction as to the punishment of different classes of offenders.”⁴ He has little sympathy with shallow sentimentality; if rational considerations prevail humanitarian principles

¹ *Theory of Legislation*, p. 60.

² *Ib.* p. 326.

³ R. A. P. Rogers, *Short History of Ethics*, p. 237: “We must agree with Bentham in admitting that the remedial criterion of punishment is the proper one for men to use in their dealings with each other, even if the retributive doctrine be correct, because we are incapable of judging the worth of other men’s motives except by their effects.”

⁴ *Thoughts on Secondary Punishments in a Letter to Earl Grey*, p. 6.

will not sink to that level. But although he teaches that the end of government is "for the punishment of evil doers, and for the praise of them that do well," he will allow no force to the retributive element. The reason is obvious, for he identifies retribution with revenge, and he will not have the State trespass on God's realm of guilt: "Retribution, or vengeance—a desire to allot a proportionate suffering to each degree of moral guilt, independent of any ulterior consideration, and solely with a view to the *past* ill-desert of the offender."¹ Our Lord taught that private revenge is wrong, so also must corporate revenge be wrong. In his opinion the great object of punishment is "the prevention of crime generally by the terror of example or of threat."² We have a right to punish "a transgressor, not because he has transgressed, but that others may, by his example, be deterred from disturbing society."³ For all this, Whately holds that there is an ultimate realm of moral good implicit in the State's code of law which it is bound to develop and preserve in its members. "This absolute perfection indeed—the entire prevention of crime—is a point unattainable; but it is a point to which our measures must be always tending, and we must estimate their wisdom by the degree of their approach to it."⁴ We hold that absolute perfection is the State's title to inflict pain upon its offending members.

Now the admission that morals, whether entwined with the Christian religion or not, are concentric with

¹ *Principles of Sanctions: Punishment is a Lesson to Evil-doers*, Appendix, p. 58.

² *Op. cit.* p. 60.

³ *Ib.* p. 26.

⁴ *Ib.* p. 61.

the laws of the State is by no means tantamount to removing retaliation from the theory of punishment. Many writers urge, both on moral and religious grounds, that revenge is a good and that it is the spring of State interference with private liberty. Sir James Stephen, for example, understands by law "a system of commands, addressed by the sovereign of the state to his subjects, imposing duties and enforced by punishments."¹ Morals is "a system of rules of conduct imposed in part by the opinions of others and in part by each man's own opinions of his actions, which is what I understand by the word conscience." Moral sanction is the "approbation or disapprobation of others and of ourselves." Criminal law and morality may or may not coincide; but "in all common cases they do and, in my opinion, wherever and so far as it is possible they ought to harmonise with and to support one another."² Hatred and vengeance, being deeply rooted in human nature, are not to be pronounced wicked; since this is to do violence to fact. Again, they are related to love and gratitude as convex is to concave; and Butler's resentment cannot be distinguished from them except in name, while Bentham admits the pleasure of malevolence as a sanction.

It is a perversion of Butler's teaching to quote him as an authority for identifying resentment and revenge. Nothing could be farther from the truth. He agrees with Plato and many moderns that human nature is a system of interacting elements which, when co-ordinated, enable man to take his proper place

¹ *A History of the Criminal Law of England* (1883), ii. 76.

² *Ib.* p. 80.

in the larger social organism. There is conscience, the principle of reflection, endowed with manifest and supreme authority, regulating both the subordinate principles of self-love and benevolence, and the affections, passions and appetites. Conscience is rational and, being peculiar to man, constitutes his "nature" as distinct from the nature of the brutes. It differs in kind from the passions. Hence it is natural for a brute to act from passion, but unnatural for a man to do so since he would in this way contradict his nature. " . . . but there would be as manifest a disproportion between the nature of a man and such an action as between the meanest work of art and the skill of the greatest master in that art : which disproportion arises, not from considering the action singly in *itself* or in its *consequences*, but from the comparison of it with the nature of the agent."¹ Now resentment is a passion which in the economy of nature was intended to help man "to prevent, and likewise (or perhaps chiefly) to resist and defeat sudden force, violence and opposition considered merely as such, and without regard to the fault or demerit of him who is the author of them,"² It is deliberate when it is directed against injury implying moral wrong. "The natural object or occasion of settled resentment then being injury, as distinct from pain or loss, it is easy to see that to prevent and to remedy injury, and the miseries arising from it, is the end for which the passion was implanted in man."³ Now resentment would not be necessary if we lived in a perfect State but things being what they are,

¹ *Sermons*, ii. 10.² *Ib* viii. 6.³ *Ib*. viii. 8.

we have been endowed with this help to react against injustice.¹ If its contrary passion, good-will, does not balance it, it will become excessive, *i.e.* revenge.² Without benevolence we could not view the injury disinterestedly. "Revenge is doing harm merely for harm's sake."³ It is an abuse of deliberate resentment "when pain or harm of any kind is inflicted merely in consequence of, and to gratify, that resentment, though naturally raised."⁴ If society were to adopt universal retaliation for injury, resentment would defeat its proper end, since instead of preventing evil it would multiply it to the hurt of the social organism. Butler holds that resentment, being a passion, must necessarily be limited and guided by the specifically human and moral faculty, else it must fail to fulfil its function; if this does not take place, resentment becomes the vice of vengeance.

Sir James Stephen is right in holding that the community ought to resent crime and criminals, but we cannot follow him in identifying this laudable emotion with revenge. The moralist is gratified when a criminal is brought to justice simply because he rejoices in that a system of rights, embodied in his fellow citizens, has prevailed in asserting its rights against the self-will of the offender. Stephen would have punishment "gratify the public desire for vengeance upon offenders";⁵ we hold that it may give expression to the sentiment of the sublimated instinct of revenge. Another object of punishment, he writes, is the direct prevention of crime;⁶ could he

¹ *Sermons*, ix. i.

² *Ib.* ix. 13.

³ *Ib.*, Preface, 33.

⁴ *Ib.* viii. 11.

⁵ *Op. cit.* p. 83.

⁶ *Ib.* p. 83.

not have said that public sentiment is gratified when, and as often as, crime is punished ?

Fr. Rickaby, in "Moral Philosophy," assigns three functions to punishment : the medicinal, the deterrent, and the retributive, the latter being retrospective.¹ But retribution is identified with revenge : " Everyone knows what vengeance means. It is a desire to punish, or to see punished, not prospectively and with an eye to the future, for his improvement, or as a warning to others, but retrospectively and looking to the past, that he may suffer for what he has done." Probably civil punishment, which is " the vengeance of the commonwealth upon the disturber of the public peace,"² ought never to be without the prospective element.

The foregoing is derived from the principle that nothing in nature is evil *per se*. Vengeance would be a positive evil in human nature were there no legitimate occasions for its use ; and its legislative use is justified by a theory of punishment that will recognise its value.³ Our author does not approve private revenge, because punishment is not in question as between one individual and another. Once reparation is made by the offender, the offended party is bound to forgive, and there the matter ends as far as morals are concerned. Revenge is abused if it is gratified privately ; but it is natural in those cases where the interest is the social interest of the State.⁴ He recognises clearly that the State's right to punish consists in its right to guard the principles of justice by which it exists ; but it would appear to us that if

¹ P. 169.

² P. 174.

³ P. 171.

⁴ P. 173.

the State wills that a man "may suffer for what he has done" it has overstepped its function. Revelation and the course of nature teach that disobedience to law, whether moral or natural, issues in pain; but if it be usurpation for a private individual to inflict pain upon another in return for a wrong inflicted upon him, the case is not altered when the State acts from the same motive. The State inflicts pain with the ulterior motive of preserving rights, not with a view to inflicting pain in return for wrong. The State deters and reforms by painful means, simply because no other means is possible to it; the retributive element is to be found in its right to punish, and never may this element be allowed to determine the degree of the penalty, else it is wrested from its sister element, and becomes revenge. The deterrent and reformative elements will provide the norm for the penalty; so that the State will inflict just as little pain as is necessary for the maintenance and development of the moral consciousness.

Dr. Mercier, writing on the jurisprudence of crime, also defends retaliation. "The primary purpose of punishment is to inflict pain upon the offender in retaliation for the pain that he has inflicted."¹ The deterrent element is subsidiary, and the reformative element an afterthought. The reason given is biological; our craving to inflict an injury upon one who has wronged society is the very safeguard of society. This writer holds that we measure the punishment by the moral turpitude of the offender. Thus "homicide is homicide, and the death of two

¹ *Crime and Criminals*, p. 267.

persons of equal usefulness and importance to society inflicts equal injuries on society. Yet the one may be a brutal and deliberate murder from a sordid motive, and may be therefore of the utmost turpitude and rightly incur the extreme penalty; while the other may have been committed on the spur of the moment and under extreme provocation, may therefore be of little turpitude, and may rightly be visited with a trifling punishment or with none at all.¹ Here again, the retributive element is abused. Surely in the latter case the penalty inflicted is determined in accordance with the likelihood of the offence becoming an example.² If a certain criminal example is not likely to be imitated by other men in similar circumstances, the State does not require to inflict as great a penalty as in those cases where this is likely to be the case. We must be very careful not to confuse the conceptions of sin and crime, lest we fall into the error of assuming that we are entitled to measure the turpitude of crime by the sin-state from which it arose.

It is interesting to observe the view of Professor Sidgwick on this problem, and especially the important qualification attached to his statement: "That opinion seems still to incline to the view that a man who has done wrong *ought* to suffer pain in

¹ *Crime and Criminals*, p. 268.

² T. H. Green, *Works*, ii. 508: "[The State] looks back to the wrong done in the intent which it punishes; not, however, in order to avenge it, but in order to the consideration of the sort of terror which needs to be associated with such wrong-doing in order to the future maintenance of justice. If the character of the criminal comes into account at all, it can only be as an incident of this consideration."

return, even if no benefit result to him or to others from the pain ; and that justice requires this ; although the individual wronged ought not to seek or desire to inflict the pain." ¹ May we add that the general public, educated morally, ought not to wish to seek or desire to inflict the pain ? May we not venture to think that the sentiments of a mob would differ widely from those of a gathering of moral philosophers in their reactions to a criminal convicted of serious wrong ? It is just possible that public sentiment is not always the expression of morality and religion.

¹ Quoted by C. S. Kenny, *op. cit.*, p. 34.

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